



AGENDA

CABINET MEETING

Date: Wednesday, 5 November 2014
Time: 7.00 pm
Venue: Council Chamber - Swale House

Membership:

Councillors Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Gerry Lewin (Vice-Chairman), Ken Pugh, David Simmons, Mike Whiting, Ted Wilcox and John Wright

Quorum = 3

RECORDING NOTICE

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1. Apologies for Absence

Pages

2. Minutes

To approve the Minutes of the Meeting held on 8 October 2014 (Minute Nos. 274 - 279) as a correct record.

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

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| 11. | Local Engagement Forum Update | 91 - 94 |
| 12. | Minutes of the Local Development Framework Panel held on 28 October 2014 | |

Cabinet are asked to consider the recommendations arising from the Local Development Framework Panel meeting on 28 October 2014. (To follow).

Issued on Monday 27 October 2014

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit www.swale.gov.uk

**Corporate Services Director, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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Cabinet	
Meeting Date	5 November 2014
Report Title	Review of Fees and Charges
Cabinet Member	Cllr Duncan Dewar-Whalley, Cabinet Member for Finance
SMT Lead	Nick Vickers, Head of Finance
Head of Service	Nick Vickers, Head of Finance
Lead Officer	Caroline Frampton, Principal Accountant
Key Decision	Yes
Classification	Open
Forward Plan	Yes
Recommendations	To approve the proposed fees and charges for 2015/16 as set out in this report for submission to Council.

1. Purpose of Report and Executive Summary

- 1.1 The report invites Cabinet to consider the proposals for the level of fees and charges to be levied for the next financial year 2015/16 for submission to Council. Charges will take effect from 1 April 2015.
- 1.2 Appendix I details proposals for the level of fees to be charged in 2015/16 on a service by service basis. Appendix II details the income from fees and charges for services in 2013/14 and the budget for 2014/15.
- 1.3 As a principle for 2015/16 we are seeking as far as possible to freeze the level of charges to avoid putting additional financial burdens on residents. The Council continues to generate savings and benefit from other revenue streams.

2. Background

- 2.1 In 2013/14 the fees and charges covered by this report where the Council sets the level of fees or charges were £2.5m, of which £1.7m relate to car parking. Whilst the income from non-car parking fees and charges are important to our budget they are relatively small – we estimate the change in charges will generate an additional £4,500.
- 2.2 Managers were asked to review the current schedule of fees and charges for the forthcoming financial year.
- 2.3 Authorities have a statutory duty to ensure fees are set in accordance with the Local Government Act 2003. This allows local authorities to charge for discretionary services. Discretionary services are those services that a Council has the power to, but is not obliged to, provide. A pre-condition to charging is

the person has to agree to the provision of the service and they are prepared to pay for it.

- 2.4 By far the most important charges are those for car parking where once again to support our local businesses these charges will be frozen.

3. Proposals

- 3.1 Appendix I details the proposed fees and charges for 2015/16 to be set by the Council along with those that are set by Government or another external body.
- 3.2 Table 1 lists those charges set by the Council where an increase is not recommended at this time and any increases shown here are due to volume not price increase. Table 2 lists those charges set by the Council where an increase is recommended.

Table 1: Fees & Charges where an increase is not being recommended for 2015/16	
Fee or Charge	Comments
Car Parks & Season Tickets	Charges will be frozen. Car parking charges are already lower than neighbouring councils.
Residents' Parking Permits (on street)	No increase is proposed. There has been an increase in take up of permits, therefore an increase in income. Charges vary but broadly similar across neighbouring authorities.
Street Naming & Numbering	No increase is proposed. Charges very variable across neighbouring authorities with the existing charges being generally mid-range.
Taxi Licensing	No increase is proposed. Now charging £20 for the Knowledge Test but this is refunded against the first year's badge. Charges are variable across authorities and Swale is generally mid-range.
Street Trading Licensing	No increase is proposed. Generally Swale is lower than other councils. However, our fees have been considered by the Licensing Committee and approved.

Table 1: Fees & Charges where an increase is not being recommended for 2015/16

Fee or Charge	Comments
Sex Establishment Licensing	<p>No increase is proposed.</p> <p>Generally the same level of fees as other districts following discussions through the Licensing Steering Group. Fees must reflect the cost of delivering the service and has been the subject of national discussion following the successful legal challenge of the fees charged by Westminster Council.</p>
Scrap Metal Dealers Licensing	<p>New to this report but not a new charge. No increase is proposed.</p> <p>Generally the same level as fees at other districts following discussions through the Licensing Steering Group. Fees are set by the Licensing Committee and must reflect the cost of delivering the service which has been the subject of national discussion.</p>
Chartered Institute of Environmental Health Level 2 Award Training in Food Safety in Catering	<p>No increase is proposed.</p>
Hire of Halls	<p>King George's Pavilion – no increase proposed. Hourly rate is in line with the hourly rate being charged in neighbouring boroughs.</p> <p>Guildhall – no increase is proposed. The Guildhall is in good condition, offering lots of history. Similar sized room in surrounding boroughs charge on average £15 per hour.</p> <p>Quinton Hall – no increase is proposed. Hall quality is significantly lower than halls in the surrounding areas and the hourly rate reflects this (subject to decision on transfer).</p>
Annual Animal Licensing	<p>No increase is proposed. The performing animal registration is a new charge, but we are only anticipating a very small uptake. It was a service that was not previously offered to the public.</p>
Stray Dog Collection	<p>No increase is proposed. Neighbouring councils have very similar charges.</p>
Pest Control	<p>No increase is proposed. Joint tendered contract with Maidstone and Ashford councils.</p>

Table 1: Fees & Charges where an increase is not being recommended for 2015/16	
Fee or Charge	Comments
Fixed Penalty Notices – Environmental	No increase is proposed. Charges for neighbouring councils very similar (guidelines were set nationally).
Garden Waste Collections (brown bins – domestic)	No increase is proposed.
Radar Key for Disabled Toilets	No increase is proposed.
Seafront Memorial Bench	No increase is proposed.
Travelling Fairs and Fetes	No increase is proposed.
Access over Open Space Licence	No increase is proposed.
Room Hire of Swale House	No increase is proposed. Prices vary across authorities depending on facilities offered in the meeting rooms.
Purchase of Electoral Register	No increase is proposed.
Staying Put Handyperson Rates	New to this report but not a new charge. No increase is proposed. The rates of charges are set as part of Staying Put's Home Improvement Agency existing contract with Kent County Council and are comparable with other areas of Kent whose fees range from £5.00 to £16.20 depending on the rate of subsidy offered by the local authority.
Pre Application Planning Advice	No increase is proposed. Significant increase in fee charge could lead to less take up of the service with the consequence of reducing the quality of planning applications, increasing the likelihood of refusal and consequential increase in planning appeals.
Sale of Ordnance Survey Plans	No increase is proposed. Demand for this service has significantly reduced with other options available to customers on the internet.

Table 1: Fees & Charges where an increase is not being recommended for 2015/16	
Fee or Charge	Comments
Complaints Made under the High Hedges Legislation	No increase is proposed. Fee is set in the medium to high bracket in comparison to other councils.
Planning Photocopying Charges	No increase is proposed. Demand for this service has significantly reduced with other options available to customers on the internet.
Local Land Charges	No increase is proposed. Charges are set locally based on regulations where recovery of costs should equate to cost of providing the service.

3.3 The following is a list of charges where an increase is recommended.

Table 2 : Fees & Charges where an increase is being recommended for 2015/16	
Fee or Charge	Comments
Requests for Environmental Information (e.g. planning, contaminated land)	Increase of 3% is proposed (rounded to nearest pound). The hourly charge to be increased from £75.00 to £77.00. This is a service request fee and income will reflect the number of enquiries we received from solicitors and developers' agents. Maidstone charge £66 per search. Tunbridge Wells charge £158 per search (additional hours £30).
Food Export Certificate	Increase of 3% is proposed. The charge for a certificate for premises in Swale and a certificate for goods in transit to increase from £70.00 to £72.00. No income was received in 2013/14. This is a responsive service dependent on food being exported by companies within the district.

Table 2 : Fees & Charges where an increase is being recommended for 2015/16

Fee or Charge	Comments
Registration Fee under the Local Government (Miscellaneous Provisions) Act 1982	The one-off fee for registration of establishments offering cosmetic piercing, electrolysis, tattooing and semi-permanent skin colour and acupuncture is proposed to be increased by 3% from £270.00 to £278.00.
Alleygate Key Sale	The charge for 2014/15 was £13.00. The cost is proposed to be increased to £14.80 which is the cost per key as supplied to the Council.
Bulky Waste Collection	Increase of 1.9% (CPI June 2014) is proposed. The charge for a collection will increase from £18.25 to £18.60. Neighbouring authorities charges vary as do number of collections per visit.
Wheeled Bins	Increase of 1.9% (CPI June 2014) is proposed. It is proposed that the charges be increased as follows: 240L from £38.74 to £39.50, 360L from £60.54 to £61.70, and 1,100L from £427.25 to £435.40.
Sports Facilities	Increase of 1.9% (CPI June 2014) is proposed.
Allotments	Increase of 1.9% (CPI June 2014) is proposed.
Cemeteries Burial Fees	Increase of 1.9% (CPI June 2014) is proposed. Each authority charges in different ways and as such it is difficult to compare charges.
Harbour Facilities	Increase of 1.9% (CPI June 2014) is proposed (subject to asset transfer decision).
Legal Charges for Third Parties	Increase of 3% proposed. The charges are comparable to neighbouring/similar local authorities.
Houses in Multiple Occupation (HMOs)	Increase of 1.9% (CPI June 2014) is proposed. Statutory guidance exists as to what councils can include in calculating licence charges. Swale charges are comparable with other councils who have similar size HMOs.
Home Inspection for Immigration Application Fee	Increase of 1.9% (CPI June 2014) is proposed.

3.4 Below is a list of fees and charges governed by national policy. Charges have been amended to reflect the current policy/advice:

- Planning fees
- Penalty charge notices for car parking/environmental response
- Statutory collection charge for stray dogs
- Liquor and gambling licences
- Environmental Protection Act fees
- Electoral Services (including the purchase of the electoral register or edited register).

4. Alternative Options

4.1 The alternative would be to propose a general flat rate increase or no increases in fees or charges. These alternatives would not be recommended as they may fail to take into account individual circumstance or the increased cost of delivering services.

5. Consultation Undertaken or Proposed

5.1 Any necessary consultation will be undertaken by the managers of the relevant service area.

6. Implications

Issue	Implications
Corporate Plan	Embracing Localism Open for Business Healthy Environment
Financial, Resource and Property	It is projected that the Council would generate an additional £4,500 per annum from these proposals
Legal and Statutory	None identified at this stage
Crime and Disorder	None identified at this stage
Sustainability	None identified at this stage
Health and Wellbeing	None identified at this stage
Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	None identified at this stage

7. Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Proposed fees and charges for 2015/16; and
- Appendix II: Summary of fee income for 2013/14 and budget for 2014/15.

8. Background Papers

8.1 None.

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Car Parks and Season Tickets						
Short Stay Covering:						
Faversham: Central car park (season tickets for business only), Institute Road car park (no season tickets)						
Sittingbourne: Albany Road, Central Avenue, Crown Quay Lane, The Forum, The Swallows, Swale House (weekends only), The Forum (business only), Station Street (up to 2 hours only)						
Sheerness (no season tickets): Rose Street (inc land adjacent to Wood Street), Trinity Place, Beachfields						
Up to 30 minutes	0.25	0.05	0.30	0.25	0.05	0.30
Up to 1 hour	0.67	0.13	0.80	0.67	0.13	0.80
Up to 2 hours	1.25	0.25	1.50	1.25	0.25	1.50
Up to 4 hours	2.50	0.50	3.00	2.50	0.50	3.00
Season per quarter (short/long stay car park)	170.83	34.17	205.00	170.83	34.17	205.00
Long Stay Covering:						
Faversham: Partridge Lane, Queens Hall						
Sittingbourne: Spring Street, St Michael's Road, Bell Road						
Sheerness: Albion Place, Beach Street, Bridge Road, Cross Street						
Up to 30 minutes	0.25	0.05	0.30	0.25	0.05	0.30
Up to 1 hour	0.67	0.13	0.80	0.67	0.13	0.80
Up to 2 hours	1.25	0.25	1.50	1.25	0.25	1.50
Up to 4 hours	2.50	0.50	3.00	2.50	0.50	3.00
Over 4 hours	3.33	0.67	4.00	3.33	0.67	4.00
Season per month (long stay car park)	63.33	12.67	76.00	63.33	12.67	76.00
Season per quarter (short/long stay car park)	170.83	34.17	205.00	170.83	34.17	205.00
Long Stay Covering:						
Sittingbourne: Cockleshell Walk						
Sheerness: Trinity Road						
Up to 30 minutes	0.25	0.05	0.30	0.25	0.05	0.30
Up to 1 hour	0.67	0.13	0.80	0.67	0.13	0.80
Up to 2 hours	1.25	0.25	1.50	1.25	0.25	1.50
Up to 4 hours	2.50	0.50	3.00	2.50	0.50	3.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Over 4 hours	3.00	0.60	3.60	3.00	0.60	3.60
Season per month (long stay car park)	63.33	12.67	76.00	63.33	12.67	76.00
Season per quarter (short/long stay car park)	170.83	34.17	205.00	170.83	34.17	205.00
Residents Only (5pm-9am evenings, weekends and bank holidays)						
Sittingbourne: Central car park (residents of Cross Lane and Bank Street)						
Faversham: Queens Hall (residents of Victoria Place and Dorset Place)						
Sheerness: Albion Place (residents of Harris Road, Portland Terrace and Albion Place), Cross Street (Sheerness town centre residents), Trinity Road (residents of Trinity Road only)						
Per quarter	16.67	3.33	20.00	16.67	3.33	20.00
Sheerness: Delamark Road car park (residents only)						
All day	8.75	1.75	10.50	8.75	1.75	10.50
Leysdown: Promenade (seasonal) (all day between 1 March and 31 October)						
Up to 4 hours	1.75	0.35	2.10	1.75	0.35	2.10
All day	2.83	0.57	3.40	2.83	0.57	3.40
Motorcycles	0.00	0.00	0.00	0.00	0.00	0.00
Leysdown: Shellness Road (grassed area) (between 1 March and 31 October)						
All day	1.83	0.37	2.20	1.83	0.37	2.20
Minster Shingle Bank						
All day	2.83	0.57	3.40	2.83	0.57	3.40
Motorcycles	0.00	0.00	0.00	0.00	0.00	0.00
Season tickets to be used at any long stay car park throughout the Borough						
Season per quarter	188.33	37.67	226.00	188.33	37.67	226.00
Residents' Parking Permits (on street)						
Per annum	40.00	0.00	40.00	40.00	0.00	40.00
Visitors permit book (10 days)	10.00	0.00	10.00	10.00	0.00	10.00
Visitors parking permits (per day)	1.00	0.00	1.00	1.00	0.00	1.00
Hourly scratchcards (per hour)	0.80	0.00	0.80	0.80	0.00	0.80
Hourly scratchcards (per book of 10 hours)	8.00	0.00	8.00	8.00	0.00	8.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Car Parks Fixed Penalty Notices (rate depends on offence)						
<i>Lower Penalty System</i>						
Up to 14 Days	25.00	0.00	25.00	25.00	0.00	25.00
14 days to 56 days	50.00	0.00	50.00	50.00	0.00	50.00
57 days to 70 days	75.00	0.00	75.00	75.00	0.00	75.00
After 70 days	82.00	0.00	82.00	82.00	0.00	82.00
<i>Higher Penalty System</i>						
Up to 14 days	35.00	0.00	35.00	35.00	0.00	35.00
14 days to 56 days	70.00	0.00	70.00	70.00	0.00	70.00
57 days to 70 days	105.00	0.00	105.00	105.00	0.00	105.00
After 70 days	112.00	0.00	112.00	112.00	0.00	112.00
Street Naming & Numbering						
Changing or requesting new property	60.00	0.00	60.00	60.00	0.00	60.00
New street name	100.00	0.00	100.00	100.00	0.00	100.00
New street developments (4 or more properties/units) per property/unit with minimum charge of £180	30.00	0.00	30.00	30.00	0.00	30.00
Provision of historical information relating to street naming & numbering	160.00	0.00	160.00	160.00	0.00	160.00
Changing street name	500.00	0.00	500.00	500.00	0.00	500.00
Taxi Licensing						
Plate deposit (refundable)	100.00	0.00	100.00	100.00	0.00	100.00
Vehicle licence and plate	160.00	0.00	160.00	160.00	0.00	160.00
Replacement plate	15.00	0.00	15.00	15.00	0.00	15.00
Operator's licence (5 years)	100.00	0.00	100.00	100.00	0.00	100.00
Intermediate (6 monthly licence)	60.00	0.00	60.00	60.00	0.00	60.00
Licence and plate for temporary hire vehicle	40.00	0.00	40.00	40.00	0.00	40.00
Knowledge test	0.00	0.00	0.00	20.00	0.00	20.00*
Badge (1 year)	50.00	0.00	50.00	50.00	0.00	50.00
Badge (3 years)	120.00	0.00	120.00	120.00	0.00	120.00
*Refunded against first year's badge cost						

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Street Trading Licensing						
Annual consents (not events)	100.00	0.00	100.00	100.00	0.00	100.00
6 month consents (not events)	50.00	0.00	50.00	50.00	0.00	50.00
One off consent	30.00	0.00	30.00	30.00	0.00	30.00
Event Consents						
1-19 stalls	65.00	0.00	65.00	65.00	0.00	65.00
20-49 stalls	130.00	0.00	130.00	130.00	0.00	130.00
50+ stalls	200.00	0.00	200.00	200.00	0.00	200.00
Liquor Licensing						
Main Application Fees for Premises and Personal Liquor Licensing						
Rateable Value B and A	100.00	0.00	100.00	100.00	0.00	100.00
Rateable Value B and B	190.00	0.00	190.00	190.00	0.00	190.00
Rateable Value B and C	315.00	0.00	315.00	315.00	0.00	315.00
Rateable Value B and D	450.00	0.00	450.00	450.00	0.00	450.00
Rateable Value B and E	635.00	0.00	635.00	635.00	0.00	635.00
Main Annual Charge for Premises and Personal Liquor Licensing						
Rateable Value B and A	70.00	0.00	70.00	70.00	0.00	70.00
Rateable Value B and B	180.00	0.00	180.00	180.00	0.00	180.00
Rateable Value B and C	295.00	0.00	295.00	295.00	0.00	295.00
Rateable Value B and D	320.00	0.00	320.00	320.00	0.00	320.00
Rateable Value B and E	350.00	0.00	350.00	350.00	0.00	350.00
Personal licence for alcohol	37.00	0.00	37.00	37.00	0.00	37.00
Personal licence change	10.50	0.00	10.50	10.50	0.00	10.50
Premises licence change	23.00	0.00	23.00	23.00	0.00	23.00
Transfers	23.00	0.00	23.00	23.00	0.00	23.00
Temporary events	21.00	0.00	21.00	21.00	0.00	21.00
Register of interests	21.00	0.00	21.00	21.00	0.00	21.00
Gambling Licensing						
New Applications/Applications for Provisional Statement						
Bingo club	2,268.00	0.00	2,268.00	2,268.00	0.00	2,268.00
Betting premises	2,268.00	0.00	2,268.00	2,268.00	0.00	2,268.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Tracks	1,775.00	0.00	1,775.00	1,775.00	0.00	1,775.00
Family entertainment centres	1,775.00	0.00	1,775.00	1,775.00	0.00	1,775.00
Adult gaming centre	1,775.00	0.00	1,775.00	1,775.00	0.00	1,775.00
<i>Licence Applications (Provisional Statement Holders)</i>						
Bingo club	935.00	0.00	935.00	935.00	0.00	935.00
Betting premises	935.00	0.00	935.00	935.00	0.00	935.00
Tracks	935.00	0.00	935.00	935.00	0.00	935.00
Family entertainment centre	772.00	0.00	772.00	772.00	0.00	772.00
Adult gaming centre	935.00	0.00	935.00	935.00	0.00	935.00
<i>Annual Fee</i>						
Bingo club	703.00	0.00	703.00	703.00	0.00	703.00
Betting premises	450.00	0.00	450.00	450.00	0.00	450.00
Tracks	703.00	0.00	703.00	703.00	0.00	703.00
Family entertainment centres	610.00	0.00	610.00	610.00	0.00	610.00
Adult gaming centre	703.00	0.00	703.00	703.00	0.00	703.00
<i>Application to Vary</i>						
Bingo club	1,550.00	0.00	1,550.00	1,550.00	0.00	1,550.00
Betting premises	1,308.00	0.00	1,308.00	1,308.00	0.00	1,308.00
Tracks	1,186.00	0.00	1,186.00	1,186.00	0.00	1,186.00
Family entertainment centres	800.00	0.00	800.00	800.00	0.00	800.00
Adult gaming centre	800.00	0.00	800.00	800.00	0.00	800.00
Application to transfer	860.00	0.00	860.00	860.00	0.00	860.00
Application for re-instatement	860.00	0.00	860.00	860.00	0.00	860.00
Copy licence	26.50	0.00	26.50	26.50	0.00	26.50
Notification of change	26.50	0.00	26.50	26.50	0.00	26.50
<i>Permit Fees (FEC gaming machine and prize gaming)</i>						
Application fee	300.00	0.00	300.00	300.00	0.00	300.00
Renewal fee	300.00	0.00	300.00	300.00	0.00	300.00
Transitional application fee	100.00	0.00	100.00	100.00	0.00	100.00
Change of name	25.00	0.00	25.00	25.00	0.00	25.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Copy of permit	15.00	0.00	15.00	15.00	0.00	15.00
Sex Establishment Licensing (sex shop, sex cinema and sex encounter venue)						
Application fee and 1 st licence	4,200.00	0.00	4,200.00	4,200.00	0.00	4,200.00
Annual licence renewal	650.00	0.00	650.00	650.00	0.00	650.00
Application to vary	750.00	0.00	750.00	750.00	0.00	750.00
Transfer of licence	25.00	0.00	25.00	25.00	0.00	25.00
Duplicate licence	15.00	0.00	15.00	15.00	0.00	15.00
Scrap Metal Dealers Licensing						
Site licence	450.00	0.00	450.00	450.00	0.00	450.00
Site licence renewal	425.00	0.00	425.00	425.00	0.00	425.00
Collections licence, grant or renewal	210.00	0.00	210.00	210.00	0.00	210.00
Variation – collector to site	70.00	0.00	70.00	70.00	0.00	70.00
Variation – site to collector	50.00	0.00	50.00	50.00	0.00	50.00
Variation (minor administration, such as change of address)	30.00	0.00	30.00	30.00	0.00	30.00
Change of site manager	100.00	0.00	100.00	100.00	0.00	100.00
Requests for Environmental Information (eg. planning, contaminated land)						
Charge per hour	75.00	0.00	75.00	77.00	0.00	77.00
Charges for photocopying apply at 10p per page plus postage.						
Food Export Certificate						
For premises in Swale	70.00	0.00	70.00	72.00	0.00	72.00
Food in Transit	70.00	0.00	70.00	72.00	0.00	72.00
CIEH Level 2 Award Training in Food Safety in Catering						
Fee charged to food handlers for training in food hygiene	45.00	0.00	45.00	45.00	0.00	45.00
Registration Fee under the Local Government (Miscellaneous Provision) Act						
(Relates to establishments offering cosmetic piercing, electrolysis, tattooing or acupuncture)						
Standard Fee	270.00	0.00	270.00	278.00	0.00	278.00
King George's Pavilion (minimum 2 hours hire)						
Main hall/tea room (hourly rates) (minimum hire 2 hours)						
Main hall/tea room (hourly rates)						

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Mon-Fri (9am-5pm)	12.00	0.00	12.00	12.00	0.00	12.00
Mon-Fri (5pm-12am)	14.00	0.00	14.00	14.00	0.00	14.00
Sat (9am-5pm) minimum 4 hours	14.00	0.00	14.00	14.00	0.00	14.00
Sat (5pm-12am) minimum 4 hours	16.00	0.00	16.00	16.00	0.00	16.00
Playgroups (per morning)	27.00	0.00	27.00	27.00	0.00	27.00
Tea room – for children’s parties only (per hour) minimum 3 hours hire	10.00	0.00	10.00	10.00	0.00	10.00
Caretaking services – set up and clear away: standard tables and/or chairs	6.00	0.00	6.00	6.00	0.00	6.00
Refundable deposits	150.00	0.00	150.00	150.00	0.00	150.00
Bank Holidays, New Year’s Eve	2 times the Saturday rate		2 times the Saturday rate			
Guildhall (minimum 1 session hire)						
Main hall (minimum 1 session)						
Session (am/pm)	40.00	0.00	40.00	40.00	0.00	40.00
Refundable deposits	50.00	0.00	50.00	50.00	0.00	50.00
Bank Holidays, New Year’s Eve	40.00	0.00	40.00	40.00	0.00	40.00
	per session		per session	per session		per session
Quinton Hall (minimum 2 hours hire)						
Main hall/tea room (hourly rates)(minimum hire 2 hours)						
Main hall/tea room (hourly rates)						
Mon-Fri (9am-5pm)	6.60	0.00	6.60	6.60	0.00	6.60
Mon-Fri (5pm-12am)	6.60	0.00	6.60	6.60	0.00	6.60
Sat (9am-5pm)	6.60	0.00	6.60	6.60	0.00	6.60
Sat (5pm-12am)	6.60	0.00	6.60	6.60	0.00	6.60
Refundable deposits	50.00	0.00	50.00	50.00	0.00	50.00
Bank Holidays, New Year’s Eve	6.60	0.00	6.60	6.60	0.00	6.60
Advertising Fees for Inside Swale (residents magazine)						
Outside back cover	650.00	130.00	780.00	650.00	130.00	780.00
Internal full page	495.00	99.00	594.00	495.00	99.00	594.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Half internal page (portrait or landscape)	275.00	55.00	330.00	275.00	55.00	330.00
Quarter internal page	150.00	30.00	180.00	150.00	30.00	180.00
Double internal page	895.00	179.00	1,074.00	895.00	179.00	1,074.00
Annual Animal Licensing (plus cost of vet inspection)						
All animal boarding establishment licences and pet shop licences shall relate to the calendar year in which it is granted (or to the following year). These licences will expire at the end of the calendar year for which they were issued. Vet fees will also be applicable for licences.						
Dangerous wild animals	250.00	0.00	250.00	250.00	0.00	250.00
Breeding of dogs	250.00	0.00	250.00	250.00	0.00	250.00
Animal boarding establishments	250.00	0.00	250.00	250.00	0.00	250.00
Riding establishments	250.00	0.00	250.00	250.00	0.00	250.00
Pet shops	250.00	0.00	250.00	250.00	0.00	250.00
Zoo licence	950.00	0.00	950.00	950.00	0.00	950.00
Performing animal registration	Service not available			135.00 (one-off cost)	0.00	135.00 (one-off cost)
Stray Dog Collection						
Statutory collection charge	25.00	0.00	25.00	25.00	0.00	25.00
Administration fee for collection/ returned stray dogs	15.00	0.00	15.00	15.00	0.00	15.00
Out of hours administration fee or collection/returned stray dogs	30.00	0.00	30.00	30.00	0.00	30.00
Pest Control						
Rats (per visit) with a minimum of 2 visits required	18.75	3.75	22.50	18.75	3.75	22.50
Rats (per visit) with a minimum of 2 visits required – clients on benefits	18.75	3.75	22.50	18.75	3.75	22.50
Mice (per visit) with a minimum of 2 visits required	18.75	3.75	22.50	18.75	3.75	22.50
Mice (per visit) with a minimum of 2 visits required – clients on benefits	18.75	3.75	22.50	18.75	3.75	22.50
Wasps per nest	37.92	7.58	45.50	37.92	7.58	45.50
Wasps per additional nest	6.67	1.33	8.00	6.67	1.33	8.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Fleas, bedbugs and other household pests (up to 6 rooms)*	45.83	9.17	55.00	45.83	9.17	55.00
Each additional room (up to 4)	8.33	1.67	10.00	8.33	1.67	10.00
Cockroaches in domestic premises (up to 6 rooms)*	45.83	9.17	55.00	45.83	9.17	55.00
Each additional room (up to 4)	8.33	1.67	10.00	8.33	1.67	10.00
Ants, insects etc	19.58	3.92	23.50	19.58	3.92	23.50
Ants, insects etc – clients on benefits	19.58	3.92	23.50	19.58	3.92	23.50
Silverfish, flies, mites, lice (up to 6 rooms)*	45.83	9.17	55.00	45.83	9.17	55.00
Each additional room (up to 4)	8.33	1.67	10.00	8.33	1.67	10.00
Hourly charge for treatments carried out on industrial and commercial properties (hourly rate)	To be quoted by Mitie Pest Control Ltd on a job by job basis so as to remain competitive			To be quoted by Mitie Pest Control Ltd on a job by job basis so as to remain competitive		
For treatments outside of normal office hours (hourly rate)	As above			As above		
Woodworm, birds, deathwatch beetle, foxes, moles & squirrels	Price on application (surveys required)			Price on application (surveys required)		
*Subsequent minimum charge will apply for further treatments after a period of 14 days has elapsed						
Environmental - Fixed Penalty Notices						
Littering and graffiti	80.00	0.00	80.00	80.00	0.00	80.00
Dog fouling	80.00	0.00	80.00	80.00	0.00	80.00
Waste carrier offences	300.00	0.00	300.00	300.00	0.00	300.00
<i>If paid within 7 days</i>						
Littering and graffiti	60.00	0.00	60.00	60.00	0.00	60.00
Dog fouling	60.00	0.00	60.00	60.00	0.00	60.00
Waste carrier offences	225.00	0.00	225.00	225.00	0.00	225.00
Alleygate Key						
Fee	13.00	0.00	13.00	14.80	0.00	14.80
Garden Waste Collections (brown bins – domestic)						
Per annum – 26 collections	35.00	0.00	35.00	35.00	0.00	35.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Bulky Waste Collections						
Up to 4 bulky items or a fridge freezer	18.25	0.00	18.25	18.60	0.00	18.60
Collections for those on benefits	2 free collections		Free collections have ceased			
Wheeled Bins						
Wheeled bins 240 litre	38.74	0.00	38.74	39.50	0.00	39.50
Wheeled bins 360 litre	60.54	0.00	60.54	61.70	0.00	61.70
Wheeled bins 1,100 litre	427.25	0.00	427.25	435.40	0.00	435.40
Radar Key for Disabled Toilets						
Fee	3.00	0.00	3.00	3.00	0.00	3.00
Sports Facilities						
<i>With changing facilities and showers</i>						
- Senior	54.17	10.83	65.00	55.00	11.00	66.00
- Under 18s	15.83	3.17	19.00	16.25	3.25	19.50
- Under 16s & mini soccer	11.25	2.25	13.50	11.67	2.33	14.00
<i>With changing facilities only</i>						
- Senior	43.75	8.75	52.50	44.58	8.92	53.50
- Under 18s	13.33	2.67	16.00	13.75	2.75	16.50
- Under 16s & mini soccer	10.42	2.08	12.50	10.83	2.17	13.00
<i>With no facilities</i>						
- Senior	27.50	5.50	33.00	27.92	5.58	33.50
- Under 18s	11.67	2.33	14.00	12.08	2.42	14.50
- Under 16s & mini soccer	7.08	1.42	8.50	7.50	1.50	9.00
Block bookings of 10 or more series of lets is VAT exempt						
Allotments						
Plots of 10 rods & pro rata	33.00	0.00	33.00	33.50	0.00	33.50
Plots of 10 rods & pro rata (OAPs/Disabled)	15.70	0.00	15.70	16.00	0.00	16.00
Cemeteries Burial Fees						
<i>Exclusive Right of Burial, Interment, Memorial & Re-inscription Permits</i>						

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
1 st Burial Sittingbourne, Faversham & Murston	1,305.00	0.00	1,305.00	1,330.00	0.00	1,330.00
1 st Burial Sheppey	1,180.00	0.00	1,180.00	1,203.00	0.00	1,203.00
1 st Burial if no use of previously purchased grave Sittingbourne, Faversham & Murston	703.00	0.00	703.00	717.00	0.00	717.00
1 st Burial if no use of previously purchased grave Sheppey	576.00	0.00	576.00	588.00	0.00	588.00
2 nd Burial Sittingbourne, Faversham & Murston	621.00	0.00	621.00	633.00	0.00	633.00
2 nd Burial Sheppey	480.00	0.00	480.00	490.00	0.00	490.00
3 rd Burial Sittingbourne, Faversham & Murston	480.00	0.00	480.00	490.00	0.00	490.00
Unpurchased Grave/Common Burial (excludes Exclusive Right to Burial, Issue of Deed or Memorial Permit Rights)						
Sittingbourne, Faversham & Murston	703.00	0.00	703.00	Service not available		
Sheppey	576.00	0.00	576.00	Service not available		
Cremated Remains (includes Exclusive Rights to Burial, Interment, Memorial & Re-inscription Permit)						
1 st Burial	439.00	0.00	439.00	448.00	0.00	448.00
1 st Burial (where no use has been made of previously purchased grave)	200.00	0.00	200.00	204.00	0.00	204.00
2 nd Burial	200.00	0.00	200.00	204.00	0.00	204.00
3 rd Burial	200.00	0.00	200.00	204.00	0.00	204.00
4 th Burial	200.00	0.00	200.00	204.00	0.00	204.00
Child Coffin Burial						
Under 12 years of age in child's plot (resident of Swale)	0.00	0.00	0.00	0.00	0.00	0.00
Under 12 years of age in adult's plot (resident of Swale)	200.00	0.00	200.00	204.00	0.00	204.00
Under 12 years of age in child's plot (non resident of Swale)	136.00	0.00	136.00	139.00	0.00	139.00
Under 12 years of age in adult's plot (non resident of Swale)	329.00	0.00	329.00	336.00	0.00	336.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Ancillary Services						
Issue of letter of confirmation where deed is lost	49.00	0.00	49.00	50.00	0.00	50.00
Use of chapel in Sittingbourne	75.00	0.00	75.00	76.00	0.00	76.00
Use of chapel in Faversham	106.00	0.00	106.00	108.00	0.00	108.00
Planted grave (per annum)	107.00	0.00	107.00	109.00	0.00	109.00
Turfed grave	At cost			At cost		
Memorial tree (vatable)	260.00	52.00	312.00	265.00	53.00	318.00
Memorial bench (vatable)	At full cost of purchase & installation + £130 admin fee			At full cost of purchase & installation + £130 admin fee		
Transfer of deed ownership	49.00	0.00	49.00	50.00	0.00	50.00
Record search & certificate (each grave)	25.00	0.00	25.00	25.00	0.00	25.00
Scattering of ashes	70.00	0.00	70.00	71.00	0.00	71.00
Extra cost of large coffin or casket (measuring 30 inches or more)	141.00	0.00	141.00	144.00	0.00	144.00
Exhumation of coffin	1,186.00	0.00	1,186.00	1,210.00	0.00	1,210.00
Exhumation of cremated remains	118.00	0.00	118.00	120.00	0.00	120.00
Other services (vatable)	At cost			At cost		
Non-residents of Swale (not living in Swale at time of death or have not been a resident of Swale for at least 15 consecutive years) required to pay double the costs set out above (except child burials)						
Seafront Memorial Bench						
Memorial bench and installation	420.83	84.17	505.00	420.83	84.17	505.00
Harbour Facilities						
Queenborough Town Quay Berths - registered fishing vessels (per annum)	327.50	65.50	393.00	333.33	66.67	400.00
Licence of pleasure boats	112.50	22.50	135.00	115.00	23.00	138.00
Travelling Fairs and Fetes						
Pitch premium for open days (per day)	749.00	0.00	749.00	749.00	0.00	749.00
On site fee (including arrival and departure days)	54.00	0.00	54.00	54.00	0.00	54.00
Refundable deposit	600.00	0.00	600.00	600.00	0.00	600.00
Fetes	50.00	0.00	50.00	50.00	0.00	50.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Refundable deposit	62.00	0.00	62.00	62.00	0.00	62.00
Beach Hut Charges						
Ground rent/licence fee for members of MBHA	50.00	0.00	50.00	300.00	0.00	300.00
Licence fee for 1 st phase Swale Borough Council huts (3 huts)	541.67	108.33	650.00	666.68	133.32	800.00
Licence fee for 2 nd phase Swale Borough Council huts (7 huts)	541.67	108.33	650.00	666.68	133.32	800.00
Access Over Open Space Licence						
Standard fee	63.00	0.00	63.00	63.00	0.00	63.00
Room Hire of Swale House						
Non-Commercial						
Council chamber (half day)	80.34	0.00	80.34	80.34	0.00	80.34
Council chamber (full day)	118.45	0.00	118.45	118.45	0.00	118.45
Committee room (half day)	41.20	0.00	41.20	41.20	0.00	41.20
Committee room (full day)	77.25	0.00	77.25	77.25	0.00	77.25
Assembly room (half day)	41.20	0.00	41.20	41.20	0.00	41.20
Assembly room (full day)	77.25	0.00	77.25	77.25	0.00	77.25
Commercial						
Council chamber (half day)	179.22	0.00	179.22	179.22	0.00	179.22
Council chamber (full day)	298.70	0.00	298.70	298.70	0.00	298.70
Committee room (half day)	88.58	0.00	88.58	88.58	0.00	88.58
Committee room (full day)	149.35	0.00	149.35	149.35	0.00	149.35
Assembly room (half day)	88.58	0.00	88.58	88.58	0.00	88.58
Assembly room (full day)	149.35	0.00	149.35	149.35	0.00	149.35
Charity groups or meetings where Swale residents will benefit	No cost			No cost		
Purchase of Electoral Register						
Full Register and the Notices of Alteration						
(Limited to law enforcement agencies and political parties)						
Hard copies (standard charge)	10.00	0.00	10.00	10.00	0.00	10.00
Hard copies (per 1,000 electors)	5.00	0.00	5.00	5.00	0.00	5.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Data format (standard charge)	20.00	0.00	20.00	20.00	0.00	20.00
Data format (per 1,000 electors)	1.50	0.00	1.50	1.50	0.00	1.50
List of Overseas Electors						
Hard copies (standard charge)	10.00	0.00	10.00	10.00	0.00	10.00
Hard copies (per 1,000 electors)	5.00	0.00	5.00	5.00	0.00	5.00
Data format (standard charge)	20.00	0.00	20.00	20.00	0.00	20.00
Data format (per 1,000 electors)	1.50	0.00	1.50	1.50	0.00	1.50
Edited Register (Available for purchase by anyone)						
Hard copies (standard charge)	10.00	0.00	10.00	10.00	0.00	10.00
Hard copies (per 1,000 electors)	5.00	0.00	5.00	5.00	0.00	5.00
Data format (standard charge)	20.00	0.00	20.00	20.00	0.00	20.00
Data format (per 1,000 electors)	1.50	0.00	1.50	1.50	0.00	1.50
Legal Charges for Third Parties						
Business Tenancies and Leases						
Licences (minimum charges)	205.00	0.00	205.00	210.00	0.00	210.00
Initial lease/tenancy (minimum charges)	310.00	0.00	310.00	315.00	0.00	315.00
Renewal (minimum charges)	155.00	0.00	155.00	160.00	0.00	160.00
Licences to assign/sublet/change use/alter premises (minimum charges)	155.00	0.00	155.00	160.00	0.00	160.00
Hourly rate	200.00	0.00	200.00	205.00	0.00	205.00
New Road licences	Contribution negotiated with asset management team			Contribution negotiated with asset management team		
Council Land						
Routine transactions* (subject to minimum charge)	515.00	0.00	515.00	525.00	0.00	525.00
Hourly rate	200.00	0.00	200.00	205.00	0.00	205.00
Complex transactions (hourly rate shown – subject to a minimum charge of £1,000)	200.00	0.00	200.00	205.00	0.00	205.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Sale as mortgagee in possession (minimum charge)	360.00	0.00	360.00	365.00	0.00	365.00
<i>Easement</i>						
Residential (minimum charge)	215.00	0.00	215.00	220.00	0.00	220.00
Commercial (minimum charge)	325.00	0.00	325.00	330.00	0.00	330.00
<i>Completion of Section 106 Planning Agreements</i>						
Routine (minimum charge)	565.00	0.00	565.00	575.00	0.00	575.00
Routine (per hour)	200.00	0.00	200.00	205.00	0.00	205.00
Complex (minimum charge)	1,030.00	0.00	1,030.00	1,050.00	0.00	1,050.00
Complex (per hour)	200.00	0.00	200.00	205.00	0.00	205.00
Variation (minimum charge)	565.00	0.00	565.00	575.00	0.00	575.00
Variation (per hour)	200.00	0.00	200.00	205.00	0.00	205.00
*Includes sale of council land and disposal of public open spaces (advertising is a separate fee)						
All charges above are to be negotiated dependent on the complexity, prioritisation to be given to the transaction and value and to be discussed in advance with the relevant lawyer. May vary when work relates to relevant charities or to voluntary organisations. Legal charges do not include disbursements						
Houses in Multiple Occupation Licensing						
<i>New Application</i>						
Non-accredited landlord	610.00	0.00	610.00	620.00	0.00	620.00
Accredited landlord	500.00	0.00	500.00	508.00	0.00	508.00
<i>Renewal of Application</i>						
Non-accredited landlord	460.00	0.00	460.00	467.00	0.00	467.00
Accredited landlord	350.00	0.00	350.00	355.00	0.00	355.00
Home Inspection for Immigration Application Fee						
Requests received to inspect and provide report on suitability of proposed home in connection with immigration applications	90.00	0.00	90.00	92.00	0.00	92.00
Staying Put Handyperson Rates						
Hourly rate for a handyperson	13.50	2.70	16.20	13.50	2.70	16.20
Subsidised hourly rate for a handyperson – client in receipt of benefits	5.00	1.00	6.00	5.00	1.00	6.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Pre-Application Planning Advice						
Meetings						
Very large major	833.33	166.67	1,000.00	833.33	166.67	1,000.00
Major	416.67	83.33	500.00	416.67	83.33	500.00
Minor	208.33	41.67	250.00	208.33	41.67	250.00
Other (excluding householders and listed buildings)	83.33	16.67	100.00	83.33	16.67	100.00
Householder	41.67	8.33	50.00	41.67	8.33	50.00
Charities, voluntary groups and parish councils	0.00	0.00	0.00	0.00	0.00	0.00
Works/repairs to listed buildings	0.00	0.00	0.00	0.00	0.00	0.00
Letters						
Very large major	416.67	83.33	500.00	416.67	83.33	500.00
Major	208.33	41.67	250.00	208.33	41.67	250.00
Minor	104.17	20.83	125.00	104.17	20.83	125.00
Other (excluding householders and listed buildings)	41.67	8.33	50.00	41.67	8.33	50.00
Householder	20.83	4.17	25.00	20.83	4.17	25.00
Charities, voluntary groups and parish councils	0.00	0.00	0.00	0.00	0.00	0.00
Works/repairs to listed buildings	0.00	0.00	0.00	0.00	0.00	0.00
Very large major: over 200 dwellings or 4 hectares. Commercial over 10,000m ² or 2 hectares						
Major: 10-199 dwellings or less than 4 hectares. Commercial 1,000m ² - 9,999m ² or less than 2 hectares						
Minor: 1-9 dwellings or less than 0.5 hectares. Commercial less than 1,000m ² or 1 hectare						
Sale of Ordnance Survey Plans						
Per set: A4	20.00	0.00	20.00	20.00	0.00	20.00
Per set: A3	50.00	0.00	50.00	50.00	0.00	50.00
Complaints made under the High Hedges Legislation						
Standard fee	450.00	0.00	450.00	450.00	0.00	450.00
Planning Photocopying Charges						
Planning decision notices	4.17	0.83	5.00	4.17	0.83	5.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
Tree preservation order notices	4.17	0.83	5.00	4.17	0.83	5.00
Appeal decision notices	4.17	0.83	5.00	4.17	0.83	5.00
Architects plans/maps – A4	1.67	0.33	2.00	1.67	0.33	2.00
Architects plans/maps – A3	2.50	0.50	3.00	2.50	0.50	3.00
Architects plans/maps – A2	3.33	0.67	4.00	3.33	0.67	4.00
Architects plans/maps – A1	4.17	0.83	5.00	4.17	0.83	5.00
Architects plans/maps – A0	5.00	1.00	6.00	5.00	1.00	6.00
Weekly list annual charge	83.34	16.66	100.00	83.33	16.67	100.00
Weekly list of applications – per copy	2.50	0.50	3.00	2.50	0.50	3.00
A4 documents – single sided	0.42	0.08	0.50	0.42	0.08	0.50
A4 documents – double sided	0.83	0.17	1.00	0.83	0.17	1.00
Colour A4 documents – single sided	0.83	0.17	1.00	0.83	0.17	1.00
OS extracts	16.67	3.33	20.00	16.67	3.33	20.00
S106/52 agreements	4.17 to 33.33	0.83 to 6.67	5.00 to 40.00	4.17 to 33.33	0.83 to 6.67	5.00 to 40.00
Planning application copying – 4 sets – householder applications	20.83	4.17	25.00	20.83	4.17	25.00
Planning application copying – 4 sets – minor applications	41.67	8.33	50.00	41.67	8.33	50.00
Local Land Charges						
Residential Property						
Official certificate of search in land charges register (LLC1) on one parcel of land or property	36.30	0.00	36.30	36.30	0.00	36.30
Requisition of search on one parcel of land or property (Con29)	79.20	0.00	79.20	79.20	0.00	79.20
Standard residential full search fee	115.50	0.00	115.50	115.50	0.00	115.50
Commercial/Non-Domestic Property						
Official certificate of search in land charges register (LLC1) on one parcel of land or property	36.30	0.00	36.30	36.30	0.00	36.30
Requisition of search on one commercial parcel of land or property	94.70	0.00	94.70	94.70	0.00	94.70
Standard commercial full search fee	131.00	0.00	131.00	131.00	0.00	131.00

Proposed fees and charges for 2015/16

	2014/15			2015/16		
	Charge	VAT 20%	Total Charge	Charge	VAT 20%	Total Charge
	£	£	£	£	£	£
<i>Residential & Commercial Properties</i>						
Each additional parcel of land or property on (LLC1) certificate	3.00	0.00	3.00	3.00	0.00	3.00
Each additional parcel of land or property on requisition (Con 29)	9.00	0.00	9.00	9.00	0.00	9.00
Total for each additional parcel of land or property on one full search	12.00	0.00	12.00	12.00	0.00	12.00
Each printed Part II enquiry	16.00	0.00	16.00	16.00	0.00	16.00
Each additional enquiry of your own	21.00	0.00	21.00	21.00	0.00	21.00

List of income received from fees and charges for 2013/14 outturn and 2014/15 budgets

Service	Charge	2013/14 Outturn	2014/15 Budget
Fees and charges to be agreed as part of this report			
Commissioning & Customer Contact	Garden waste collections (brown bins)	304,095	248,570
Commissioning & Customer Contact	Cemeteries burial fees	123,235	111,770
Commissioning & Customer Contact	Bulky waste collections	40,038	32,000
Commissioning & Customer Contact	Sports facilities	7,892	11,500
Commissioning & Customer Contact	Residential wheeled bins	18,296	15,500
Commissioning & Customer Contact	Travelling fetes & fairs and access over open space licence	12,065	10,700
Commissioning & Customer Contact	Seafront memorial bench	5,022	1,000
Commissioning & Customer Contact	Allotments	1,095	1,000
Commissioning & Customer Contact	Harbour facilities and town quays	1,010	5,500
Commissioning & Customer Contact	Radar keys for disabled toilets	426	210
Commissioning & Customer Contact	Beach hut charges	4,315	5,000
Corporate Services	Legal services charges, including S106 application fees	22,123	10,000
Corporate Services	Hire of meeting rooms at Swale House	160	100
Economy & Communities	Advertising fees for Inside Swale	15,542	5,000
Economy & Communities	Guildhall	70	600
Economy & Communities	Quinton Hall	47	0
Economy & Communities	King George's Pavilion	16,224	14,000
Economy & Communities	Alleygate key	11	50
Housing	Houses in multiple occupation	0	500
Housing	Home inspection for immigration application fee	0	100
Housing	Stayput handyperson charges	2,804	2,200
Planning	Local land charges	217,876	200,000
Planning	Pre-application planning advice fees	49,137	40,000
Planning	Photocopying charges	3,401	2,000
Planning	Sale of ordnance survey plans	777	1,050
Service Delivery	Car parks and season tickets	1,535,161	1,572,900
Service Delivery	Residents parking permits (including voucher parking for visitors parking in residential bays)	120,063	97,000
Service Delivery	Street naming and numbering	12,048	15,000

List of income received from fees and charges for 2013/14 outturn and 2014/15 budgets

Service	Charge	2013/14 Outturn	2014/15 Budget
Service Delivery	Annual animal licenses	10,763	9,000
Service Delivery	Stray dog collection	6,600	9,000
Service Delivery	CIEH Level 2 Award Training in Food Safety in Catering	1,355	500
Service Delivery	Registration fee under the Local Government (Misc Provisions) Act	5,015	1,000
Service Delivery	Request for environmental information	1,538	1,000
Service Delivery	Food export certificate	195	100
Service Delivery	Pest control treatments	1,881	2,000
Total fees and charges agreed as part of this report		2,540,280	2,425,850

Charges set nationally or by an external body			
Service Delivery	Fixed penalty notices – parking	499,719	499,890
Service Delivery	Licences (premises and liquor, street trading, sex establishments and scrap metal)	101,461	99,500
Service Delivery	Taxi (Hackney Carriage) licensing	72,714	65,000
Service Delivery	Gambling licence fees	37,304	41,280
Corporate Services	Purchase of electoral register	1,844	1,500
Service Delivery	Fixed penalty notices – environmental response	2,335	3,000
Planning	Planning fees – www.swale.gov.uk/types-of-application-and-fees/	719,084	652,930
Total fees and charges set nationally and by external bodies		1,434,461	1,363,100

Cabinet Meeting

Meeting Date	5 November 2014
Report Title	Council Tax Support Scheme 2015/16
Cabinet Member	Cllr Duncan Dewar-Whalley, Cabinet Member for Finance
SMT Lead	Brian Planner
Head of Service	Brian Planner
Lead Officer	Zoe Kent
Recommendations	<ol style="list-style-type: none"> 1. That the Council Tax Support scheme for 2015/16 is kept the same as 2014/15 and CTS continues to be reduced by 15% 2. That the short term empty discount is reduced from 3 months to 1 month. 3. That a 50% premium is charged on properties that have been empty for more than 2 years

1 Purpose of Report and Executive Summary

1.1 The purpose of this report is to analysis the current scheme's effects on collection and benefit claimants, and to consider the percentage reduction from CTS that should be set for 2015/16. It will also consider changes to the Council Tax empty property discounts.

2 Background

2.1 The localisation of Council Tax Support (CTS) has now been in place since 1 April 2013. Prior to the start of the scheme, a Kent-wide scheme was agreed for a period of three years whereby all districts agreed to reduce CTS by 18.5%. This amount could be reduced to a lower percentage if the district took measures to reduce its empty property discounts. By reducing the short term empty property discount from six down to three months, and removing the long term empty property and second home discounts, the Borough was able to reduce CTS by 15% rather than 18.5%.

2.2 In the first year of the scheme the CTS reduction was set at 8.5%. The Council was able to reduce CTS by such a low amount due to the transitional grant that was awarded by DCLG. However, in 2014/15 the grant was not received, so the reduction from CTS was increased to 15%.

- 2.3 Analysis shows that all Kent districts have reduced the amount of CTS awarded based on the amendments they have made to their Council Tax discounts and any subsidy they have decided to make towards their scheme.

Table 1: *Kent authorities + Medway CTS reduction percentages*

Council	2013/14 Reduction %	2014/15 Reduction %
Tonbridge & Malling	8.5	18.5
Tunbridge Wells	8.5	18.5
Maidstone	8.5	13.0
Sevenoaks	8.5	18.5
Dartford	8.5	18.5
Gravesham	8.5	18.5
Swale	8.5	15.0
Ashford	8.5	10.0
Shepway	8.5	18.5
Canterbury	5.0	5.0
Dover	6.0	6.0
Thanet	5.5	5.5
Medway	25.0	25.0

- 2.4 The tables below show the current caseload for CTS claimants. There was a fall in the number of claimants when the reduction from CTS was increased from 8.5% to 15%. This took some claimants who received a small amount of help out of entitlement. The number of pensioners claiming has also decreased as the pension age has increased. The CTS expenditure is a predicted figure during the year as awards are amended throughout the year. The total net expenditure figure as at 1 October 2014 was £9,985,740.

Table 2. *CTS Caseload as at 1 October 2014*

Working Age	5,316
Pension Age	7,345

Table 3. *CTS expenditure as at 1 October 2014*

Working Age	£4,574,538 (46%)
Pension Age	£5,411,202 (54%)

- 2.5 The amount of CTS awarded has continued to fall throughout the year. It is difficult to predict the final expenditure; however, unless there was a sudden rise in claims it is likely that the expenditure at the end of the year will be less than at

the beginning. When CTS is awarded on 1 April for the financial year it is presumed that claimants will receive the amount due on 1 April for the whole of the year. As claimants move and have changes to their circumstances their CTS is either increased or reduced. As Council Tax is a relatively low cost per week (on average £20 per week) when claimants start work they are often taken out of entitlement to CTS or entitled to very little. If a large employer was to move out of the area the amount of expenditure may increase. As the grant towards CTS has now been set by DCLG and we do not receive a grant based on our actual expenditure and like most other authorities we no longer carry out promotions to encourage the take up of CTS.

Table 4 2013/14 Expenditure

Table 4 shows the cost of the CTS scheme to the Borough and the major preceptors in 2013/14 and the predicted expenditure for 2014/15.

2013/14 Expenditure		2014/15 Predicted Expenditure	
Full Cost (without reduction)	£11,270,223	Full cost (without reduction)	£11,086,851
Cost with 8.5% reduction	£10,712,895	Cost with £15% reduction	£9,985,740
Current funding	£10,300,000	Current funding	£10,300,000

Table 5. Analysis of CTS payments received

Prior to April 2013 it was very difficult to predict how much council tax would be collected from benefit claimants of whom many would have been paying council tax for the first time. The Borough along with most other billing authorities took a cautious view and predicted a collection rate of 50%. It is likely that the collection rate reached 77.2% because CTS was only reduced by 8.5% so claimants had a more manageable amount to pay during the first year of the scheme.

	C Tax to be paid by CTS claimants	Outstanding amount	Paid	Percentage paid
2013/14	£1,042,847	£238,182	£804,665	77.2%
2014/15 as at 01.10.2014	£1,754,445	£982,370	£772,075	44%

3 Proposal

- 3.1 It is proposed that the Council Tax Support scheme should be maintained as the current scheme reducing Council Tax Support by 15%. Claimants are now used to paying 15% towards their Council Tax, although we took a lot of calls from

claimants querying the increase in April and some had said they would struggle to pay the increase from 2013/14. The collection rate as at 1 October 2014 (44%) shows that we should be on track to collect a similar percentage to 2013/14.

Table 8. *Costings*

Grant	£10,300,000	
Pensioner	£5,411,202	
Working age	£4,574,538	
Total CTS Award	£9,985,740	
Total cost if Council Tax increases by 2% including preceptors	£10,185,454	
Balance to SBC and the major preceptors	(£114,546)	
Impact on CTS claimants	Annual	Weekly
Band A	£177.87	£3.43
Band B	£207.51	£3.99
Band C	£237.16	£4.56
Band D	£266.80	£5.13
Impact on CTS claimants if C Tax increases by 2%	Annual	Weekly
Band A	£181.43	£3.48
Band B	£211.66	£4.07
£241.90	£241.90	£4.65
Band D	£272.14	£5.23

- 3.2 Although we are still using the grant figure of £10,300,000 as the Revenue Support Grant figure this amount was only guaranteed as the proportion covering Council Tax Support expenditure for 2013/14 and 2014/15. Therefore as it is likely that the Borough's Revenue Support Grant will be reduced for 2015/16 and extra income will need to be found to cover any shortfall towards the Council Tax Support scheme. An assumption has also been made that the major preceptors will increase their Council Tax by 2%. As the Borough's proportion of the Council Tax only equates to 11%, for illustrative purposes only an overall increase of 2% has been used. The Borough is not aiming to make any money out of this scheme, as the collection rate is unlikely to reach more than 80% there is not likely to be any gain. If there was, this would be put towards bad debt provision. To cover the anticipated reduction in grant it is recommended that the Council Tax empty property discounts are also amended as set out below.
- 3.3 The short term empty property discount is currently awarded at 100% for 3 months. Revenue could be increased by reducing the 100% award to 1 month. This still gives a period of time for properties to be empty when changing tenancies, etc with a 100% discount awarded. The reduction in this discount could raise an estimated £100,000.
- 3.4 A further option is to charge a premium of 50% to the Council Tax for properties that have been unoccupied for at least two years and are unfurnished. This surcharge is applied by many other authorities and will help the Borough to encourage owners of long term empty properties to work with both KCC and the

Borough to bring these properties back into use. Applying this premium could raise in the region of £200,000.

4 Alternative Options

- 4.1 The amount that CTS claimants are charged could be reduced so that the benefit claimants do not have to pay so much towards their Council Tax. The advantages to this would be lower charges to benefit claimants which should lead to lower recovery costs. The disadvantage would be less revenue for the Borough and the major preceptors, confusion for claimants if we had to increase the amount payable again from 2016/17 when the Kent wide agreement ends.
- 4.2 The amount that CTS claimants are charged could be increased so that benefit claimants would have to pay more towards their Council Tax. The advantage to this would be that the Council Tax empty discounts would not have to be changed. The disadvantage would be that the CTS claimants may struggle to pay which would be likely to lead to higher recovery costs increasing expenditure for the borough.

5 Consultation Undertaken or Proposed

- 5.1 An on-line consultation is currently being carried out on the Borough website. The consultation will close at the end of October and results will be given at Cabinet.

6 Implications

Issue	Implications
Corporate Plan	<p>BV9 Percentage of Council Tax collected in year. If the reduction from CTS is kept the same as 2014/15 it is estimated that there will not be a drop in the collection rate because claimants are already aware of the amount they must pay. It is again inevitable that not all residents who are living on state benefits will pay the full amount of Council Tax due.</p> <p>The changes introduced through the Welfare Reform agenda and Local Council Tax Support Scheme are aimed at providing greater work incentives, which have the potential to positively impact on the economic prosperity of those returning to employment as well as the wider community. The amount of working age claimants has reduced which may be showing a movement into work.</p>
Financial, Resource and Property	<p>The financial implication of not putting in place a Council Tax Support scheme which gives a balance of help to the CTS claimants against the loss of income to the Borough could lead to an overspend on Council Tax Support . Both the needs of the CTS claimants and the Borough need to be considered.</p> <p>The Revenues and Benefits section has been fully resourced to</p>

	<p>ensure that claimants receive help and guidance towards paying their Council Tax and claiming any Benefits they may be entitled to. The bad debt provision will be reviewed for 2015-16 to take into account the final collection rate for 2014/15. The Borough will work with other agencies and partners to support those residents with money and debt advice services.</p> <p>The level of future grant received from the Department for Communities and Local Government to meet the cost of the Council Tax Support scheme is expected to reduce in future years. This could mean the Borough having to identify alternative funding or savings to maintain the proposed scheme in the longer term or consider further reductions in the support made available. For this reason we are recommending the changes to the empty property discounts.</p>
Legal and Statutory	Local Government Finance Act 2012
Crime and Disorder	It is unlikely that there has been any increase in crime or disorder from the 2014/15 scheme, therefore we would not consider there to be any increase in risk for 2015/16.
Sustainability	The proposed scheme has been designed to run over a 3 year period 2015/16 being year 3 of the scheme. Kent County Council and our other major preceptors have agreed to help with funding (see appendix I) to help with any financial implications from 2013-14 to 2015-16.
Health and Wellbeing	Residents who struggle to pay their Council Tax are advised that they can put in a claim for a Section 13A discretionary award. Those whose health appears to be affected will be signposted to appropriate advice.
Risk Management and Health and Safety	<p>The main risk to the Borough is a drop in the collection rate due to the large number of residents on a low income who will be paying an increased amount towards their Council Tax.</p> <p>The immediate implication of the change will be a reduction in the level of support and increased financial burden for individuals and families on low incomes. This could lead to a risk to the health and living standards of Council Tax Support claimants.</p>
Equality and Diversity	Equality and diversity data will be collected from the responses to the consultation, any concerns will be built in to the community impact assessment.

7 Appendices

The following documents are to be published with this report and form part of the report

- Appendix I: *CTS Kent proposal November 2012*
- Appendix II: *CIA Assessment*

REVISED AND RECOMMENDED

The intention of this agreement is to set out how major precepting and billing authorities will work together to mitigate the reduction in funding for Council Tax support so as to minimise the risk of reduced Council Tax yield and recognise the additional responsibilities for billing authorities.

This agreement reflects the transitional arrangements available in 2013/14 and would need to be updated should further changes in Government grants be introduced in future years.

PROPOSED AGREEMENT BETWEEN DISTRICTS AND MAJOR PRECEPTING AUTHORITIES ON LOCAL SCHEMES OF SUPPORT FOR COUNCIL TAX

If a District

In 2013/14

1. Accepts a standard deduction of **8.5%** on all non- pensioner claimants (and meets the other conditions for the Government Grant), or already has an alternative scheme under (A) below which meets the criteria for grant

and **agrees to :**

2. Confirm that they will apply for the Government's Transitional Grant for 2013/14 (and any grants on offer in subsequent years) and

3. Reduce the exemption on **Class C empty properties from 6 months to 3 months**

and for 2014/15 and 2015/16

4. Districts agree to revert to their original proposed scheme as per (A) below or agree to put other actions in place to reduce the cost of Council Tax support/other specific measures increase the Council Tax yield that achieves a similar financial result

or

- A. Accepts a standard deduction of 18.5% on all non- pensioner claimants, or produces an alternative local scheme that achieves the equivalent of a 10% saving in expenditure on discounts to claimants,
- and
- B. Agrees to reduce the exemption on Class C empty properties from 6 months to 3 months,

THEN

Major Precepting Authorities will agree:

1. If a district incurs a cost on new council tax discounts (other than as a result of local decisions to increase Council Tax) from the local scheme that is higher than their share of the grant from government, then major precepting authorities (jointly) will reimburse the district the difference.
2. Major Precepting Authorities (jointly) will pay £125,000 to each district each year as a contribution to the increased administrative, collection and recovery costs of the new scheme.
3. Major Precepting Authorities (jointly) will reimburse each district reasonable increased administrative costs necessarily incurred if the case load on the local scheme (during the period of this agreement) exceeds the case load of the council tax benefit scheme (as at 31 March 2013) by more than 15%.

Additional clauses subject to negotiation

Districts to agree monitoring arrangements with major precepting authorities to enable them to take account of possible costs under the underwriting clause 1 above

District councils to agree accounting arrangements through collection funds with major precepting authorities

Major Precepting Authorities (jointly) will also contribute towards the cost of fraud services undertaken by Districts in connection with Council Tax Discounts.

Major precepting authorities will not specifically compensate districts for any impact on parish precepts arising from Council Tax support schemes and districts will be expected to manage the consequences on the Collection Fund as far as is practically possible within the grants available from government and the impact of reduced benefits/other changes to Council Tax yield on the parish precept

Individual precepting authorities will agree with individual districts arrangements to pay a proportion of the precepting authority's Government grant(s) for Council tax support in exceptional cases

FURTHER

1. This agreement to operate for three years (subject to variation in light of changes to Government funding)
2. A review is undertaken between April and June 2015.

This agreement will limit the cost to districts of discounts granted under a local scheme to the value of the grant received from government. Districts will also receive a contribution from major preceptors to offset estimated additional administrative and recovery costs.

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Cabinet	
Meeting Date	5 November 2014
Report Title	Review of Community Asset Transfer Policy
Cabinet Member	Cllr Mike Whiting Cabinet Member for Localism
SMT Lead	Mark Radford
Head of Service	Anne Adams
Lead Officer	Anne Adams
Key Decision	No
Classification	Open
Forward Plan	Yes
Recommendation	1. That Cabinet agrees to adopt the revised Community Asset Transfer Policy.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to set out the revised Community Asset Transfer Policy. It explains the reasons for the changes and recommends adoption of the revised version.

2 Background

- 2.1 The first version of the Community Asset Transfer Policy was approved by Cabinet in August 2009. It was developed out of a need for a clear framework within which to structure the transfer of community assets, the principle of which was beginning to emerge as a corporate priority for the Council.
- 2.2 The policy was revised and updated in April 2013 following comments made by the Council's external auditors in their 2011-12 Annual Governance Report. This is covered in more detail in Appendix I.
- 2.3 Since the April 2013 update a number of asset transfers have taken place that have highlighted the need for some further amendments and clarifications.

3 Proposals

- 3.1 The proposed changes to the policy fall into the following key areas:

- Clarification as to when the policy should be applied,
- Links with other policy documents,
- Forms of tenure for asset disposals,
- Rent and rent reviews,
- Arrangements for heritage assets,
- Valuations, and
- Decision making process.

3.2 The proposed changes are all set out in the report to Policy Development and Review Committee (PDRC) on 3 September which is attached as Appendix I to this report. The proposals were discussed by the Committee and they made the following recommendations to Cabinet:

Resolved: That the above comments from the Committee be submitted to Cabinet to consider, specifically that paragraph 3.14 be amended so that rent reviews were carried out every five years only in the event that a commercially viable and profitable operation was being carried out from the asset and that paragraph 3.19 be removed to revert back to Community Asset Transfers being decided by Cabinet, not delegated to individual Cabinet Members as proposed in the report.

3.3 The following further revisions to the draft policy have been made as a result of the recommendations of PDRC:

- Whilst in most cases a community asset will transfer on the basis of a low or nominal rent, it is recognised that there could be circumstances in which the financial circumstances of the organisation change over time and a commercially viable and profitable operation could be taking place from the asset. In these circumstances, the Council may wish to reserve the right to review the rent. A rent review clause has therefore been inserted in the policy which allows the Council to review the rent after the first three years and thereafter at five yearly intervals *in the event that a commercially viable and profitable operation is taking place from the asset.*
- The current procedure is for all community asset transfers to be decided by Cabinet. Although few transfers are key decisions, most decisions cross two portfolios and therefore need to be decided by Cabinet for that reason. However, if a decision relates to only one portfolio then it could be taken by the Cabinet Member for Localism in consultation with the Cabinet Member for Finance. It is therefore proposed that future community asset transfers may be decided under the delegated Cabinet member process unless:
 - It is a key decision,
 - It cuts across two or more Cabinet member portfolios, or
 - The Cabinet Member refers the decision to Full Cabinet

3.4 A further suggested change is in relation to the impact of VAT on rent payments. Due to the complex nature of VAT and the importance of ensuring the most economically

advantageous outcome for the Council, it is proposed to replace the words “This will not apply in the case of “new build” assets where VAT has been reclaimed on the construction costs of the asset. In this case, the rent will remain fixed for the duration of the lease” with the words “Finance will be consulted on the VAT implications of all rent reviews prior to final agreement.”

4 Alternative Options

- 4.1 Any alternative options to the clauses proposed in the revised policy are explained in the body of the report.
- 4.2 There is an alternative option to not transfer community assets to voluntary sector organisations or parish and town councils but this would be in conflict with the Localism priority in the Corporate Plan.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has been carried out with the members of the Asset Transfer Group, SMT and the Cabinet members for Localism and Finance.
- 5.2 The Policy Development and Review Committee considered the draft revised policy on 3 September and their recommendations are set out above.
- 5.3 A public consultation was also carried out, specifically requesting views from parish councils and voluntary and community sector organisations. The following responses were received:
 - *Iwade Parish Council – “supports the changes which will make the transfer process easier and simpler”.*
 - *Swale CVS – helpfully suggested some minor wording changes to the policy which have been incorporated into the final document.*
 - *Faversham Town Council – responded with a letter direct to the Policy Development and Review Committee and this was taken into consideration at their meeting on 3 September.*

There were no other responses to the consultation.

6 Implications

Issue	Implications
Corporate Plan	This policy meets the objectives of the Localism priority set out in the Corporate Plan.
Financial, Resource and Property	These will be identified at the approval stage and reported as part of each community asset transfer decision.
Legal and Statutory	None identified at this stage.
Crime and Disorder	None identified at this stage.
Sustainability	The policy seeks to ensure that any community asset transfer is sustainable in the long term by ensuring that the organisation has a sound business case.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Report to the Policy Development and Review Committee – 3 September 2014
- Appendix II: List of SBC owned Community Assets
- Appendix III: Revised Community Asset Transfer Policy

8 Background Papers

None.

Policy Development & Review Committee	
Meeting Date	3 September 2014
Report Title	Review of Community Asset Transfer Policy
Cabinet Member	Cllr Mike Whiting Cabinet Member for Localism
SMT Lead	Mark Radford
Head of Service	Anne Adams
Lead Officer	Anne Adams
Key Decision	No
Classification	Open
Forward Plan	Reference number:
Recommendation	1. That the Committee considers and comments upon the revised Community Asset Transfer Policy.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to set out the revised Community Asset Transfer Policy. It explains the reasons for the changes and seeks views on the revised version.

2 Background

- 2.1 The first version of the Community Asset Transfer Policy was approved by Cabinet in August 2009. It was developed out of a need for a clear framework within which to structure the transfer of community assets, the principle of which was beginning to emerge as a corporate priority for the Council.
- 2.2 The policy was revised and updated in April 2013 following comments made by the Council's external auditors in their 2011-12 Annual Governance Report. This is covered in more detail elsewhere in this report.
- 2.3 Since the April 2013 update a number of asset transfers have taken place that have highlighted the need for some further amendments and clarifications.

3 Proposals

- 3.1 The proposed changes to the policy fall into the following key areas:
- Clarification as to when the policy should be applied,
 - Links with other policy documents,
 - Forms of tenure for asset disposals,
 - Rent and rent reviews,

- Arrangements for heritage assets,
- Valuations, and
- Decision making process.

Clarification as to when the policy should be applied

- 3.2 The earlier versions of the policy assumed that the asset was currently being managed by the Council and that a third party organisation would be taking over the management. This did not expressly allow for a situation where the asset is already being managed by a third party group under an annual management agreement or short term lease. A new clause 2.4 has therefore been inserted in the policy which confirms that the policy will apply in this situation.

Links with other policy documents

- 3.3 The section in the policy that refers to other linked policy documents has been updated. It now includes a section on the Volunteering Strategy and the Local First Policy. Reference to the former VCS Strategy has been removed.

Forms of tenure for asset disposals

- 3.4 There has historically been a divergence of views within the Council on the relative merits of freehold versus long-term leasehold transfers. The 'default' position has always been a preference for leasehold, with paragraph 5.4 of the Policy as it currently stands stating unambiguously that: *'Transfers will normally be in the form of a lease...rather than the transfer of the freehold...There is no evidence to suggest that an organisation will be at any disadvantage with a leasehold transfer.'*
- 3.5 However, this statement is qualified by the following paragraph, which leaves the door open to an argument for freehold transfer: *'In certain circumstances the Council will consider freehold transfer...[which]...would be subject to the interested party making a case for a freehold...Any case submitted would need to set out both the financial and non-financial considerations within the stated aims and objectives of the organisation and reflect the particular nature of the asset under consideration.'*
- 3.6 This wording has recently been criticised by Faversham Town Council, which is *'concerned that SBC's policy has a significant gap in that it fails to explain clearly...what the exceptional circumstances are in which a freehold application could succeed.'* FTC's letter of 25 March goes on to state FTC's view that *'if no exemptions are ever considered...Swale could be challenged on the basis that it is fettering its discretion'*.
- 3.7 From SBC's perspective, the main reasons for preferring leasehold to freehold are that it allows the Council to retain an influence over the future use of the asset in the event that it is no longer needed by the community, while also providing a straightforward and low-cost 'exit strategy' in the event that the leaseholder is unable to continue to run the asset. This means that the asset would automatically revert to the Council,

enabling it quickly to bring it back into community use, rather than having to re-acquire the freehold before it can be brought back into use. Council intervention following a freehold transfer would generally be more complex and more costly.

- 3.8 Based on Swale officers' knowledge and experience, it is difficult to identify any substantive reasons for a potential transferee to argue that a freehold transfer offers enhanced community benefits compared with a long-term leasehold. Freehold transfer is usually simply perceived by the transferee as offering greater security or independence, but a 125-year (or longer) lease offers the leaseholder exactly the same ability to attract grant funding and otherwise raise capital as freehold ownership.
- 3.9 In addition, while a freehold transfer does potentially offer more freedom to improve or redevelop an asset, SBC would be unlikely to block such plans on the part of a long-term leaseholder as long as the community interest was appropriately protected.
- 3.10 The last major freehold transfer undertaken by the Council was the transfer of the Alexander Centre to the Alexander Centre Trust CIC in 2012. This subsequently drew criticism from the Council's external auditor, whose comments included:
- *'It is not clear that the Council secured the best possible VFM as a result of this transfer. However members were provided with sufficient information to inform their decision-making process.'*
 - *'The Community Asset Transfer Policy as originally drafted reflected best practice in asset disposal, but key elements such as the merits of leasehold as opposed to freehold transfer and the difficulty in enforcing restrictive covenants were removed following consultation. These elements should be reinstated, and the policy strengthened to incorporate, for example, the emergence of community interest companies.'* **(This recommendation has since been implemented to the auditor's satisfaction.)**
- 3.11 In view of the above, the default position of preferring 125-year leasehold transfers remains the most appropriate one for Swale, but there seems to be little reason arbitrarily to rule out in advance the possibility of ever agreeing to any alternatives to this: with reference to the FTC letter of 25 March, this would fetter the Council's discretion more than the current policy. However, while it would be beneficial to improve the wording in the Policy, it is not possible to include a finite list of the exceptional circumstances in which a non-standard transfer would be considered, on the simple grounds that such circumstances would need to be exceptional and could not be definitively determined in advance.
- 3.12 Instead, it should be for the applicant to make the case as to why the circumstances are exceptional and why the community interest would be better served by a longer or shorter lease or an alternative form of tenure. The wording in the Policy would be improved by making this – and the reasons for it – more explicit, and officers' suggestion is to amend the relevant paragraphs as follows:
- 5.5 While being clear that assets will normally be transferred on a 125-year leasehold basis as described in paragraph 5.4 above, the Council does not wholly exclude

the possibility of longer or shorter leases or different forms of tenure, in exceptional circumstances. It is not possible to determine in advance what could constitute an exceptional circumstance, and the onus will be clearly on the applicant to make the case. This will generally be expected to be by reference to the specific attributes of the asset in question, and it will be necessary for the applicant to **demonstrate** the additional community benefits and any additional financial and non-financial considerations which would result from deviating from the standard 125-year leasehold transfer.

- 5.6 Where an application for a non-standard transfer is made (that is, one for a term of other than 125 years), the Council will consider the application on its merits, balancing the applicant's case and proposal with the interests of the wider community the Council represents. The Council reserves the right unilaterally to reject any application for a non-standard transfer on the grounds that in its view the wider community interest would not be well served. In the exceptional event that a form of tenure other than leasehold is entered into, a 'clawback' or 'asset lock' provision will be placed as a legal condition on the transfer. (An asset lock provision applies to community interest companies and prevents an asset from being used for private gain rather than the stated aims of the organisation.)

Rent and rent reviews

- 3.13 The current version of the policy contains some detailed guidance on financial support and the circumstances in which the Council may continue to provide this. It does not make any reference to the payment of rent, as the assumption was that a nominal rent would be the norm. This assumption is now being challenged and the policy needs to be amended to reflect this.
- 3.14 Whilst in most cases a community asset will transfer on the basis of a low or nominal rent, it is recognised that there could be circumstances in which the financial circumstances of the organisation change over time and a commercially viable and profitable operation could be taking place from the asset. In these circumstances, the Council may wish to reserve the right to review the rent. A rent review clause has therefore been inserted in the policy which allows the Council to review the rent after the first three years and thereafter at five yearly intervals. This will not apply in the case of "new build" assets where VAT has been reclaimed on the construction costs of the asset. In this case, the rent will remain fixed for the duration of the lease.
- 3.15 A further clause has been added in relation to rent that clarifies the principle that any rent charged will be determined on a case-by-case basis. The assessment of rent will take account of both financial and community benefit considerations and will be clearly set out in the report to Cabinet seeking approval to the transfer.

Arrangements for heritage assets

- 3.16 The earlier versions of the policy do not make any specific reference to heritage assets. It has come to light, primarily in connection with the transfers of Minister Abbey Gatehouse and Milton Regis Court Hall, that heritage assets may need to be

treated differently. This is because they are generally listed buildings and the Council has a legal duty to keep them in repair, even if they have been transferred to a third party organisation.

- 3.17 The revised policy contains a section on heritage assets and allows for the term of lease to be reduced to 25 years if this is considered appropriate. It also allows for the Council to retain the responsibility for the structure of the asset to ensure that the integrity of the building is safeguarded.

Valuations

- 3.18 The need for a valuation of the asset to be carried out and the figure to be stated in the Cabinet report was made clear in the 2011-12 Annual Governance Statement. An independent valuation (usually from the Valuation Office) is therefore always obtained and reported. However, there may be circumstances in which an internal valuation could be carried out, thus avoiding the cost of commissioning a private valuer. There may also be circumstances when a valuation is not required. The revised policy now explains this.

Decision making process

- 3.19 The current procedure is for all community asset transfers to be decided by Cabinet. Under the current scheme of delegations this is not necessary and most decisions could be taken by the Cabinet Member for Localism in consultation with the Cabinet Member for Finance. It is therefore proposed that future community asset transfers are decided under the delegated Cabinet member process unless:
- It is a key decision,
 - It cuts across two or more Cabinet member portfolios, or
 - The Cabinet Member refers the decision to Full Cabinet

4 Alternative Options

- 4.1 Any alternative options to the clauses proposed in the revised policy are explained in the body of the report.
- 4.2 There is an alternative option to not transfer community assets to voluntary sector organisations or parish and town councils but this would be in conflict with the Localism priority in the Corporate Plan.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has been carried out with the members of the Asset Transfer Group, SMT and the Cabinet members for Localism and Finance.

6 Implications

Issue	Implications
Corporate Plan	This policy meets the objectives of the Localism priority set out in the Corporate Plan.
Financial, Resource and Property	These will be identified at the approval stage and reported as part of each community asset transfer decision.
Legal and Statutory	None identified at this stage.
Crime and Disorder	None identified at this stage.
Sustainability	The policy seeks to ensure that any community asset transfer is sustainable in the long term by ensuring that the organisation has a sound business case.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Revised Community Asset Transfer Policy
- Appendix II: List of SBC owned Community Assets

8 Background Papers

Annual Governance Report Swale Borough Council Audit 2011/12 (Audit Commission)

Appendix II: List of SBC owned Community Assets (*Leasehold ownership)

Type of Asset	Name of Asset	Status of Community Asset Transfer
Sports Halls/Pools	Jubilee Centre, Whitstable Road, Faversham	In progress
	Sheerness Pool, Sheppey Leisure Complex	Not yet identified for CAT
	Sheerness Sports Hall/Healthy Living Centre	Not yet identified for CAT
	Swallows Leisure Centre	Not yet identified for CAT
	Faversham Pools	Subject to trust deed and 99 year lease
Community Halls	Kemsley Hall	Completed
	Clock Tower Hall (Self managed)	Not yet identified for CAT
	Quinton Hall	In progress
Sports Pavilions	King Georges Pavilion	Not yet identified for CAT
	Faversham Recreation Ground Pavilion *	Not yet identified for CAT
	Festival Pavilion	In progress
	Seager Road Pavilion	In progress
Museums	Queenborough Guildhall	Not yet identified for CAT
	Heritage Centre, 10 Rose Street, Sheerness	In progress
Country Parks (Buildings)	Former Gunpowder Works Oare Visitor Centre *	Not yet identified for CAT
	Bartons Point Costal Park - Boathouse Café	Not yet identified for CAT
Harbours/Quays	Queenborough Town Quay	In progress
	Faversham Town Quay	Not yet identified for CAT
Tenanted Community/Leisure properties	Community Centre, Rushenden Road	Not yet identified for CAT
	Faversham Football Ground	In progress already subject to 99 year lease
	Martin Clarkes Gym, Milton Recreation Ground Pavilion	Leased out commercially
	Indoor Bowls Centre, Milton Recreation Ground	Subject to 99 year ground lease
	Scout Hut, Eastchurch Playing Field	Not yet identified for CAT
	West Faversham Community Centre	125 year lease completed. Possible freehold transfer under discussion.
	Newington Village Hall	Subject to 99 year ground lease
	Car Park, adj 117 London Road, Teynham	Not yet identified for CAT
	King Georges Pavilion, Ospringe	Not yet identified for CAT
	Rowing Club Boat Store, North Road, Queenborough	Not yet identified for CAT
	Mencap Building, The Esplanade, Sheerness	Not yet identified for CAT
	Pavilion, Beachfields, Sheerness (Sheppey FM)	In progress
	Borough Hall, Main Road, Queenborough	Completed
	Thistle Hill Community Centre, Minster	Completed
Queenborough Bowling Club	Completed	
Miscellaneous	Former Library, Trinity Road, Sheerness	Subject to 50 year lease
	Isle of Sheppey Sailing Club, Marine Parade, Sheerness	Awaiting formal request
	Boat Store, Rear of GuildHall, Queenborough	Not yet identified for CAT
	Former Control Centre, St Georges Avenue, Sheerness	Not yet identified for CAT

	Former Ejector Station, Quay Lane, Faversham (Boxing Club)	Not yet identified for CAT
Country Parks	Leysdown Coastal Park, Shellness Road, Leysdown	Not yet identified for CAT
	Bartons Point Coastal Park, Marine Parade, Sheerness	Not yet identified for CAT
	Milton Creek Country Park, Saffron Way, Sittingbourne	Not yet identified for CAT
	Former Gunpowder Works Oare, Bysingwood Road, Oare *	Not yet identified for CAT
	Perry Wood, Selling	Not yet identified for CAT
Allotments	Park Avenue/Eastern Avenue, Queenborough	In progress
	Medway Road, Sheerness - Self Management	Not yet identified for CAT
	Nursery Close, Sheerness - Self Management	Not yet identified for CAT
	Coronation Crescent, Queenborough	In progress
	Park Avenue, Leysdown	Not yet identified for CAT
	Riddles Road North - Self Management	Not yet identified for CAT
	Riddles Road South - Self Management	Not yet identified for CAT
	Homewood Avenue, Sittingbourne	Not yet identified for CAT
	Bayford Court - Self Management	Not yet identified for CAT
	Staplehurst Road, Sittingbourne	Not yet identified for CAT
	East Hall Farm, Sittingbourne	Not yet identified for CAT
	Elm Tree Avenue, Iwade *	Not yet identified for CAT
	North Preston Estate, Faversham - Self Management	In progress
	Lower Road (St. Nicholas), Faversham	In progress
	Millfield Road, Faversham - Self Management	In progress
Stonebridge Ponds, Faversham - Self Management	In progress	
Museums/ Heritage Assets	Old Court Hall, High Street, Milton Regis	Completed
	Chart Gunpowder Mills, Chart Close, Faversham	Not yet identified for CAT
	Periwinkle Watermill Site, Church Street, Sittingbourne	Not yet identified for CAT
	Minster Abbey Gatehouse, Union Road, Minster	In progress
	TS Hazarde, Conduit Street, Faversham	Not yet identified for CAT
Formal Recreation Grounds/Parks/ Open Spaces <i>(Note: list of open spaces not exhaustive)</i>	Milton Recreation Ground	Not yet identified for CAT
	King George V Playing Fields, Sittingbourne	Not yet identified for CAT
	King George V Playing Fields, Ospringe	Not yet identified for CAT
	King George V Playing Field, Queenborough	Not yet identified for CAT
	Albany Recreation Ground, Albany Road, Sittingbourne	Not yet identified for CAT
	Faversham Recreation Ground, Whitstable Road *	Not yet identified for CAT
	Festival Playing Field, New Road, Sheerness	Not yet identified for CAT
	Seager Road Playing Fields, Sheerness	In progress
	Dicksons Field, Eastchurch	Not yet identified for CAT
	Kemsley Playing Fields, Grovehurst Avenue, Kemsley	Not yet identified for CAT
	Playing Fields, Mill Farm Paddocks, Lower Road, Faversham *	Not yet identified for CAT
	Rectory Playing Field, Rectory Road, Sittingbourne	Not yet identified for CAT
	Second Avenue, Rushenden	Not yet identified for CAT
	Johnson Gardens, Burley Road, Sittingbourne	Not yet identified for CAT
Trinity Gardens, Sheerness	Not yet identified for CAT	

	Beachfields Park, Sheerness	Not yet identified for CAT
	Queenborough Park	Not yet identified for CAT
	The Glen Open Space, Minster	Not yet identified for CAT
	The Leas/Minster Cliffs, Minster	Not yet identified for CAT
	Stonebridge Pond, Faversham	Not yet identified for CAT
	The Spinney Open Space, Leysdown	Not yet identified for CAT
	Grove Avenue, Leysdown	Not yet identified for CAT
	Rushenden Hill, Rushenden, Queenborough	Not yet identified for CAT
	Rushenden Estate	Not yet identified for CAT
	Borough Road, Queenborough	Not yet identified for CAT
	The Fleet, Sheerness	Not yet identified for CAT
	The Grove Park, Land at Gore Court, Sittingbourne	Not yet identified for CAT
	Church Woods Nature Reserve, Dunkirk/Blean	Leased to RSPB
	Potters Wood, Queendown Warren Nature Reserve, Hartlip	Managed by Kent Wildlife Trust
	Adisham Green Pond/Newman Drive Pond, Church Milton	Not yet identified for CAT
	Murston Playing Field, Church Road, Murston	Leased out
	Scrapsgate Playng Field & Open Space, Minster	Not yet identified for CAT
	Bartons Point & Queenborough Lines	Not yet identified for CAT
	Queenborough Castle (Site of), Queenborough	Not yet identified for CAT
	Linear Park, Warden Bay	Not yet identified for CAT
	Abbey Rise, Minster	Not yet identified for CAT
	Upper Brents, Faversham	Not yet identified for CAT
	Wildish Road, Faversham	Not yet identified for CAT
	Walsby Drive, Church Milton, Kemsley	Not yet identified for CAT
	Whiting Crescent, Faversham	Not yet identified for CAT
	Iwade Village Park, Iwade	Not yet identified for CAT
	Gore Court Cricket Ground, The Grove Park, Sittingbourne (Leased)	Subject to 299 year lease
	Davington Cricket Ground, Faversham (Leased)	Not yet identified for CAT
	Eastchurch Cricket Ground, High Street, Eastchurch (Leased)	Not yet identified for CAT
	Bush Close, Bredgar (Leased to Parish Council)	Subject to 125 year lease
Seafront	Beach/Foreshore, Minster	Not yet identified for CAT
	Minster Lifeguard Hut, The Leas, Minster	Leased out commercially
	Sheerness Seafront/Beaches	Not yet identified for CAT
	Sheerness Lifeguard Station, Beachfields, Sheerness	Not yet identified for CAT
	Store & Pump Room, Beachfields, Sheerness	Not yet identified for CAT
	Shelters, Sheerness Seafront	Not yet identified for CAT
	Leysdown Promenade	Not yet identified for CAT
	Foreshore at Leysdown and Elmley *	Not yet identified for CAT

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Community Asset Transfer Policy

Updated November 2014

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1. Purpose of the policy

- 1.1 The purpose of this policy is to provide a clear framework on Community Asset Transfer (CAT). The Community Asset Transfer Policy will be reviewed on an annual basis.

2. Definition and context of Community Asset Transfer

- 2.1. The term 'Community Asset Transfer' is defined as 'where the Council transfers land or buildings into the ownership or management of a Voluntary and Community Sector (VCS) organisation or statutory body'.
- 2.2 For the purposes of this policy, those bodies included are set out in clause 5.3 and consist of statutory parish and town councils together with properly constituted voluntary groups, charities and trusts.
- 2.3 The Policy applies to Council assets where community activities are the primary purpose of the asset, eg. community halls and allotments.
- 2.4 This policy will also apply where community assets are being managed by a VCS group under a short term lease or management agreement and a request has been received from the group for a long lease transfer. In that case, the exception set out in clause 5.11 would apply and no expression of interest stage would be required.

3. National and local policy context

- 3.1 The 2006 Local Government White Paper, Strong and Prosperous Communities, confirmed the then Government's intention to increase opportunities for community asset ownership and management.
- 3.2 The later Quirk Review, Making Assets Work, published in May 2007, found that a careful increase in the community's stake in an asset can bring a wide range of additional benefits for the community, the organisation receiving the asset, and the local authority facilitating the transfer.
- 3.3 The Government's response to this was its Empowerment Action Plan published in 2007, which included actions relating to the transfer of assets and to a programme of support for community anchors.
- 3.4 The Localism Act 2011 aims to shift power from central government back into the hands of individuals, communities and councils. It stated that: 'We want to pass significant new rights direct to communities and individuals, making it easier for them to get things done and achieve their ambitions for the place where they live'.

- 3.5 The Localism Act introduces a Community Right to Bid (Assets of Community Value) which aims to ensure that buildings and amenities can be kept in public use and remain an integral part of community life. Under the Localism legislation, voluntary and community organisations and parish councils can nominate an asset to be included in a 'list of assets of community value'.
- 3.6 Revised Best Value Guidance sets out some reasonable expectations of the way best value authorities should work with voluntary and community groups when facing difficult funding decisions.
- 3.7 The following local policy documents include reference to asset management and transfer to Voluntary and community sector organisations/partners.

Realising our Ambitions for Swale: this is the Borough's Sustainable Community Strategy which sets out our vision for the kind of place that we would like Swale to be in the future. It describes our priorities over the next twenty years, and sets out shorter term targets to focus us in the right direction.

The Corporate Plan: Localism is a priority within the Corporate Plan with a key action to *'continue to transfer responsibility for assets..... to parish/town councils and voluntary/community groups'*.

The Swale Property Asset Strategy 2012 – 2015: This document provides the overarching framework for the management of the Council's assets and incorporates the Disposals Policy and this Community Asset Transfer Policy which together address the procedures to be followed for the disposal of all Council assets, whether defined as community or non-community assets.

Volunteering Strategy: This sets out the Council's approach to supporting volunteering and the organisations, including ourselves who encourage and promote volunteering in the borough. We will work in partnership to support volunteers to make sure that they can continue to deliver vital local services, whilst also seeking to increase the variety of opportunities on offer for residents to participate in volunteering.

The Kent Partners Compact: is an agreement which brings together representatives from the public and voluntary and community sectors to encourage closer working and co-operation.

Local First Policy: This sets out our commitment to embed 'local' and 'think local first' when commissioning and procuring by integrating social value into the Council's Commissioning Framework and Procurement Strategy. The aim is to maximise the proportion of our spend that is retained locally; deliver social value in the Swale BC area; and support and enable local businesses, Town and Parish Councils and the Voluntary and Community Sector to bid for contracts and services.

- 3.8 This policy also reflects the recommendations set out in the 2011/12 Annual Governance Report in which it was stated that leasehold transfer should be preferred over freehold transfer.

4. Aims of Community Asset Transfer policy

- 4.1 The aims of the policy are to:
 - (i) sustain viability and improve service provision;

- (ii) deliver sustainable solutions that are accepted, agreed, 'owned' and driven by the local community;
- (iii) increase the number of local people helping to run or own local services or assets;
- (iv) realise wider community benefits such as increased levels of volunteering, social capital and civic participation; and
- (v) improve the leverage of external funding into the local area through increased funding opportunities, encouraging economic development, and social enterprise activity.

5. Swale Borough Council Statement on Community Asset Transfer

- 5.1 The Council views its policy on community asset disposal positively as part of its long-term support to / engagement and partnership with the voluntary and community sector. The Council will therefore seek to implement the policy through targeted awareness raising, outreach and support to encourage town and parish councils or Voluntary and Community Sector (VCS) organisations to take on appropriate assets, linked to its wider ongoing programmes of support to the VCS.
- 5.2 As a result, the following principles will be applied to community asset transfer unless there are circumstances **specific to the asset** which suggests an alternative approach. Assets disposed of on the open market are dealt with in accordance with the Council's Disposals Policy.
- 5.3 Transfers will only take place to a statutory body (such as a town or parish council) or properly constituted group (for example, but not limited to, a Trust, Charity, Community Interest Company or Charitable Incorporated Organisation) that can demonstrate that it has a fully worked up a credible Business Plan for the asset in question. A community asset transfer will not proceed if the organisation cannot satisfy all requirements that are detailed in the Community Asset Transfer Assessment.
- 5.4 Transfers will normally be in the form of a lease of up to 125 years in order to manage the risk of the few asset transfers that will fail. There is no evidence to suggest that an organisation will be at any disadvantage (eg. reduced access to funding opportunities) with a leasehold transfer. This ensures that:
- the council retains the ability to have influence over the future use of the asset in the event that it is no longer needed for community use; and
 - there is a straightforward and low cost 'exit strategy' in the event that the body taking over the asset fails as the asset will automatically revert to the council.
- 5.5 While being clear that assets will normally be transferred on a 125-year leasehold basis as described in paragraph 5.4 above, the Council does not wholly exclude the possibility of longer or shorter leases or different forms of tenure, in exceptional circumstances. It is not possible to determine in advance what could constitute an exceptional circumstance, and the onus will be clearly on the applicant to make the case. This will generally be expected to be by reference to the specific attributes of the asset in question, and it will be necessary

for the applicant to **demonstrate** the additional community benefits and any additional financial and non-financial considerations which would result from deviating from the standard 125-year leasehold transfer.

- 5.6 Where an application for a non-standard transfer is made (that is, one for a term of other than 125 years), the Council will consider the application on its merits, balancing the applicant's case and proposal with the interests of the wider community the Council represents. The Council reserves the right unilaterally to reject any application for a non-standard transfer on the grounds that in its view the wider community interest would not be well served. In the exceptional event that a form of tenure other than leasehold is entered into, a 'clawback' or 'asset lock' provision will be placed as a legal condition on the transfer. (An asset lock provision applies to community interest companies and prevents an asset from being used for private gain rather than the stated aims of the organisation.)
- 5.7 The Council will seek to ensure that any asset transfer is sustainable in the long term by ensuring that the terms and conditions imposed upon the organisation are not unduly onerous, but are reasonable and affordable within the resources available.
- 5.8 Financial support provided to the organisation will be decided on a case-by-case basis but will consider the following principles:
- it will be based on existing budgets for the asset;
 - any additional funding will be determined through the Council's normal budget process and prioritised against other growth bids;
 - funding to support the organisation will decrease year on year;
 - except in very exceptional circumstances, no community asset transfer will be made if the cost after transfer exceeds the cost of retaining the service in-house.
 - any warranty provided will be fixed in relation to the term and amount.
 - any rent charged under the lease will be determined on a case-by-case basis and may range from nominal (£1 per annum if demanded) up to a full market rent. The assessment of rent will take account of both financial and community benefit considerations and will be clearly set out in the report to Cabinet or the Cabinet Member seeking approval to the transfer.
 - The lease will normally contain a rent review clause that allows the Council to review the rent after the first three years of the term and thereafter at five yearly intervals in the event that a commercially viable and profitable operation is taking place from the asset. Finance will be consulted on the VAT implications of all rent reviews prior to final agreement.
- 5.9 Where the Council directly employs staff to work at the asset, then both the Council and the organisation will adhere to the Transfer of Undertaking (Protection of Employment) Regulations (TUPE).
- 5.10 All issues related to financial support and support in kind, arrangements related to staffing, and service expectations (where relevant) will be captured in a Partnership Agreement, to be concluded prior to transfer taking place. This will also include any appropriate monitoring arrangements.

5.11 All proposed Community Asset Transfers will be advertised on the Swale Borough Council website requesting Expressions of Interest. However, the Council may choose not to carry out an Expression of Interest process where:

- The asset is already occupied by a VCS organisation who has occupied the asset for three or more years and has fully complied with the terms of the tenancy/lease; and either
- The organisation has invested a capital sum in the asset that has had a significant impact on the quality of the asset or service being delivered; or
- A constituted group has been set up through a community engagement exercise with the express purpose of managing the asset.

5.12 The Council will comply with the principles of the Kent Partners COMPACT.

5.13 The Council will at all times respect the independence of the organisation.

5.14 The Council will seek to ensure that any asset transfer is sustainable and will work with the organisation to develop its capacity and provide support and guidance.

6. Heritage Assets

6.1 For the purposes of this policy the definition of “heritage asset” used by English Heritage is deemed to apply, as follows:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

6.2 In the case of heritage assets, the Council will not grant a 125 year lease unless it is satisfied that the group will be able to comply with its statutory duty to keep the asset in repair for the duration of the lease term.

6.3 If the Council has any concerns about this, it will grant a lease of no more than 25 years and may retain responsibility for the external and structural repair of the asset.

7. The Community Asset Transfer Process

7.1 In order to assess and deliver a Community Asset Transfer a process has been developed to assist both the VCS organisation wishing to take on a Community Asset and the Council officers currently managing that asset.

7.2 In assessing proposals for asset transfer, the Council will attempt to measure the relative benefits and risks of the available options in order to inform its decision-making. It will also relate these benefits to wider Council priorities.

7.3 Asset transfer decisions are essentially a choice between:

- the Council continues to manage the asset; or
- Community Asset Transfer to a statutory group or VCS organisation; or
- commercial tender of the asset; or
- commercial disposal of the asset and alternative service provision made or the service ceases.

7.4 The stages of asset transfer should provide a clear reference and test of a proposed asset transfer against the principles and processes outlined in this policy. It should be integral to the stages involved in an asset transfer project and provide the basis for decision-making on a proposed transfer. The stages will generally include:

- The organisation must be a statutory body or properly constituted group,
- A sustainable business case has been demonstrated which includes any impact on SBC's budget,
- The organisation has the skills and experience to run the asset and/or the level of support required has been assessed,
- The organisation has appropriate policies in place,
- A valuation of the asset has been carried out (see section 9 below),
- Draft Heads of Terms have been negotiated,
- There is an appropriate decision making process (see section 8 below),
- Lease / Grant agreement is agreed.

7.5 The council will endeavour to work to an agreed and appropriate timescale for asset transfer completions.

8. Approvals and consultation process

8.1 All community asset transfers will be discussed by the Asset Transfer Group who will make a recommendation to the Cabinet Member for Localism following consultation with the Asset Management Group, SMT, local ward members, the relevant Cabinet members and heads of service and the section 151 officer.

8.2 Unless it is a key decision or crosses two portfolios and if considered appropriate, the decision may be taken under the delegated authority of the Cabinet Member for Localism after consultation with the Cabinet Member for Finance. However, using their discretion, the Cabinet Member may choose to take a report to Full Cabinet. In most cases it is anticipated that the decision will cross two portfolios and will therefore be taken by full Cabinet.

9. Valuations

9.1 In normal circumstances a valuation of the asset will be carried out. In the case of certain assets that may have an alternative non-community use (resulting in a potentially higher land value) an independent valuation will be obtained that sets out the "under-value" – that is the difference between the **restricted** market value (of the asset in community use and subject to the proposed terms of transfer) and the **unrestricted** market value (of the asset

in some alternative use without any restrictions imposed by way of proposed transfer terms).

- 9.2 Where the asset has no alternative use, an internal valuation will be carried out. In this case the market value will be based on its existing community use only which in most circumstances will be low.
- 9.3 In certain circumstances there may be no need for a valuation if it does not involve the transfer of any benefits or liabilities to the Council - for example, where the asset transfers in a back-to-back transaction from a developer to a community group via the Council. This is to be agreed by the s151 officer.

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Cabinet Meeting

Meeting Date	5 th November 2014
Report Title	Faversham Creek Neighbourhood Plan - Submission Consultation
Cabinet Member	Cllr Lewin, Cabinet Member for Planning
SMT Lead	Pete Raine
Head of Service	James Freeman
Lead Officer	James Freeman
Key Decision	Yes, as it covers more than two wards
Classification	Open
Recommendations	1. To agree that the submitted Neighbourhood Plan meets the requirements in the legislation and that it can therefore go out to a 6 week consultation.

1 Purpose of Report and Executive Summary

- 1.1 This report has been drafted to respond to the timing issues required for the Borough Council, as the Local Planning Authority, to comply with its roles and responsibilities for progressing the Faversham Creek Neighbourhood Plan, whilst meeting Faversham Town Council's wish to proceed with the Plan expediently. This will mean that the LDF Panel will not be given the opportunity to review progress in advance of the Cabinet meeting on 5th November 2014.
- 1.2 Therefore, the purpose of this report is to update the Cabinet on the stage reached by the Faversham Creek Neighbourhood Plan, to outline the next steps and to agree for the Neighbourhood Plan to go out for its 6 week consultation.
- 1.3 The Neighbourhood Plan was agreed by Faversham Town Council on 13th October, 2014. Having worked closely with Faversham Town Council and their consultant, and having reviewed the submitted documents, it is considered that they meet the requirements of the legislation.

2 Background

- 2.1 As you will be aware Faversham Town Council have been undertaking a Neighbourhood Plan for the creek area since October 2011 under the new powers which were granted by the Government through the Localism Act 2011. The Government encouraged the development of a number of neighbourhood plans ahead of the enactment of legislation through the Neighbourhood Planning Vanguard Scheme and Swale Borough Council was awarded £20k to assist with the development of the Faversham Creek Neighbourhood Plan.

- 2.2 Following amendments resulting from the pre-submission consultation stage, Faversham Town Council has amended the Neighbourhood Plan and have now submitted the Neighbourhood Plan, the basic conditions statement, the statement of consultation and a map of the area to the Borough Council.
- 2.3 The submission to the local planning authority was required to include the following:
- a map or statement which identifies the area to which the plan relates;
 - consultation statement outlining consultation undertaken in preparing the plan;
 - the proposed Neighbourhood Plan; and
 - a statement on Meeting Legal Requirements and on how the plan fulfils the basic conditions.
- 2.4 On receiving the submitted plan proposal and supporting documents, the Borough Council was responsible for checking that the submitted Neighbourhood Plan had followed the proper legal process, such as the neighbourhood area being designated and that the Plan has met the legal requirements for consultation and publicity. It is considered that the draft Neighbourhood Plan submitted for independent examination complies with all the relevant statutory requirements. The statutory requirements are set out in paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). The Borough Council had to be satisfied that a basic condition statement was submitted, but it was not required to consider whether the draft plan or order met the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the Borough Council comes to its formal view on whether the Neighbourhood Plan meets the basic conditions.
- 2.5 As it is considered that the submitted Neighbourhood Plan meets the requirements of the legislation, the Borough Council must now publicise the Neighbourhood Plan for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft Neighbourhood Plan to independent examination (see regulations 16, 17, 23 and 24 of the Neighbourhood Planning (General) Regulations 2012 (as amended)).
- 2.6 After submission the next steps for the Neighbourhood Plan are as follows:
- Public Consultation on the Neighbourhood Plan: 7th November and 19th December.
 - Examination: March 2015
 - Referendum: August 2015
 - Adoption: September 2015
- 2.7 All of the above steps are to be undertaken by the Borough Council.

3 Proposal

- 3.1 The Borough Council cannot comment on the content of the Neighbourhood Plan, only on whether it meets the requirements set out in section 2 above. It is therefore a process, rather than a content driven decision. The proposal is for Cabinet to agree that the Neighbourhood Plan meets the requirements in the legislation and for the Neighbourhood Plan to go out for a 6 week consultation.

4 Alternative Options

- 4.1 Under the legislation the Borough Council has no alternative option.

5 Consultation Undertaken or Proposed

- 5.1 A considerable amount of consultation, using a wide variety of consultation methods, has been undertaken by Faversham Town Council throughout the process of drafting the Neighbourhood Plan. The latest stage of consultation was the Pre-Submission Draft Consultation which took place between 19th May and 30th June 2014. The Town Council undertook drop in events, a market stall, public exhibitions and maintained a dedicated website.
- 5.2 If Cabinet agree that the Neighbourhood Plan meets the legislative requirements, the Borough Council will need to undertake a statutory 6 week consultation on the plan. It is currently envisaged that this will take place between 7th November and 19th December.

6 Implications

Issue	Implications
Corporate Plan	<ul style="list-style-type: none">• Embracing Localism• Open for Business• Healthy Environment
Financial, Resource and Property	The costs of undertaking consultation can be met from existing budgets.
Legal and Statutory	The process will follow the statutory planning regulations and the Localism Act 2011.
Crime and Disorder	None identified at this stage.
Sustainability	The Neighbourhood Plan pursues sustainable development across all elements of the plan.

Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	Consultation will be undertaken in accordance with the Statement of Community Involvement (SCI) which includes provisions for hard to reach groups.

7 Appendices

The following documents are to be published with this report and form part of the report:

Appendix I - Faversham Creek Neighbourhood Plan

Appendix II - Faversham Creek Neighbourhood Plan Consultation Statement

Appendix III - Faversham Creek Neighbourhood Plan Basic Conditions Statement

Please Note: The appendices will not be printed as part of the agenda but a printed copy will be placed in the Members Room and in each of the 4 Group Rooms.

8 Background Papers

None

Cabinet Meeting	
Meeting Date	5 November 2014
Report Title	Sheerness Heritage Centre – new lease
Cabinet Member	Cllr Mike Whiting, Cabinet Member for Localism
SMT Lead	Mark Radford
Head of Service	Anne Adams
Lead Officer	Anne Adams
Key Decision	No
Classification	Open
Forward Plan	Yes
Recommendations	<ol style="list-style-type: none"> 1. That Cabinet agrees to enter into a new 25 year lease with Sheppey Promenade on the terms set out in the report. 2. That delegated authority be given to the Head of Economy and Community Services and the Head of Property Services to agree any terms not finalised at the time of the report in consultation with the Cabinet members for Finance and Localism.

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the proposals for a new 25 year lease of Sheerness Heritage Centre with a consortium called Promenade. The transfer will be carried out in accordance with the provisions for heritage buildings set out in the Community Asset Transfer policy.

2 Background

- 2.1 The Sheerness Heritage Centre at Rose Street, Sheerness was acquired by the Council in 1983 and has been open to the public as a local history museum and heritage centre until earlier this year. The building is currently displayed as an example of a former dockyard worker's home. The building with shop frontage had previously been used to display artefacts and information on the history of the dockyard and other local heritage, with many artefacts remaining on site for display.

2.2 The building has been closed to the public since May 2014 when the organisation that had been operating the centre became unable to continue.

3 Proposals

3.1 In May this year, a consultation exercise was commenced to establish whether any local voluntary sector groups would be interested in taking a new lease of the building with the intention of re-opening it as a heritage centre or for some other purpose that would promote the Island's cultural and heritage offer. An invitation for expressions of interest was published on the Council's website and local groups were approached to gauge any interest.

3.2 As a result of the consultation exercise, two groups came forward and expressed an interest in putting forward a detailed bid.

3.3 One bid was received on 2 October 2014 and evaluated by a panel of three officers. Based on the bid submitted, the officers are satisfied that the bidder, Sheppey Promenade, has the potential governance, skills and vision to manage the building in a way that both safeguards its long term future and enhances the cultural and heritage offer on the Island.

3.4 The organisations which comprise the Promenade consortium include Big Fish Arts, Sheppey Little Theatre, Sheppey Matters and Love Sheppey and they work with Blue Town Heritage Centre, Minster Abbey Gatehouse museum, Tempus Experientia, the Town Team, Castle Connections, Barton's Point, Aspirations and the Island Partnership. It is also proposed that an officer from Swale Borough Council will have a seat on the consortium to be nominated by the Director of Regeneration.

3.5 A registered charitable trust will need to be created and other details agreed before the terms of a lease can be finalised. It is anticipated that this could take several months to complete. Members are therefore requested to delegate the agreement of the terms of the lease to the Head of Economy and Community Services and the Head of Property Services.

3.6 As part of their bid submission, Promenade has set out the following proposals:

- Income will be generated from entrance fees, season tickets, souvenir sales, workshops, special events, films/talks, commission from ticket sales,
- They will seek additional funding from Heritage Lottery Fund, Arts Council, Paul Hamlyn Trust,
- They will apply to be a Tourist Information Point,
- They will work with local schools to bring local history to life,
- They will use actors and re-enactors to demonstrate life as it was lived in the past,
- They will promote the centre via "Visit Swale", "Visit Kent" and other tourism sites.

3.7 The current budget for the building is £2,800 per annum. It is proposed to make this available as a grant for a four year period, with the funding then terminating as the group becomes self sufficient.

3.8 The terms of the proposed lease will be as follows:

- 25 years (excluded from the L&T Act)
- The tenant will be responsible for internal repairs and decorations including electrical and mechanical installations,
- The Council will be responsible for the structure and exterior of the building including the roof, windows and external doors,
- The Council will insure the building and the tenant will be responsible for contents and public liability insurance,
- The rent will be a nominal £1 per annum (subject to rent reviews as set out in the CAT Policy)
- There will be a four year funding agreement, commencing at £2,800 in the first year and not exceeding £2,800 per annum until year 4, after which time funding will discontinue.

3.9 Over the last three years, the Council has spent around £8,700 on building maintenance. This has included a new fire alarm at a cost of £2,800 and new windows at a cost of £3,900. Future expenditure by the Council is therefore expected to not exceed £1,000 per annum, which will be funded from the building maintenance budget.

3.10 Although the building has been operating as a community asset for around 30 years, it does potentially have an alternative use, either as a residential property or a commercial retail unit. In accordance with the Community Asset Transfer policy an independent valuation of the building has been obtained. The valuer's advice is that the **restricted** value of the asset (ie. the value in use as a heritage centre) is £5,550 and the **unrestricted** value (ie. the value in some alternative use) is £45,000. This means that the amount of **under-value** is £39,450.

4 Alternative Options

4.1 The building could be sold on the open market, either at auction or by private treaty. This has been discounted due to the fact that, while it has been in the ownership of the Council, the building has always been open to the public as a local community asset. It is therefore considered important to retain the asset for the benefit of the local community and tourism on the Island which supports the local economy.

5 Consultation Undertaken or Proposed

- 5.1 The voluntary and community sector organisations based on the Island were consulted as part of the expression of interest stage to ensure that every organisation had an opportunity to make a bid.
- 5.2 The local ward members and the Cabinet Members for Localism and Finance have been consulted and support this proposal.

6 Implications

Issue	Implications
Corporate Plan	The transfer of the building to a local community group is being proposed in accordance with the Community Asset Transfer Policy and supports the Localism priority in the Corporate Plan.
Financial, Resource and Property	Initially there will minimal financial implications as, for the next 4 years, part or all of the existing budget will be transferred to the trust as a grant to provide start up funding. However, after this time, there will be a saving to the Council of £2,800 per annum. Responsibility for external and structural maintenance will remain with the Council and will continue to be funded from the building maintenance budget.
Legal and Statutory	Legal services will be required to prepare the new lease.
Crime and Disorder	None anticipated at this stage.
Sustainability	Opportunities for improving sustainability are relatively limited but will be taken wherever possible, for example, the improvement of thermal insulation and addition of low energy lighting.
Health and Wellbeing	None anticipated at this stage.
Risk Management and Health and Safety	None anticipated at this stage.
Equality and Diversity	As a heritage asset, the building has the usual constraints in terms of accessibility to the upper floor. This can be addressed by providing a digital “walk through” of the upper floor from a video screen on the ground floor.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Site Plan

8 Background Papers

None

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Appendix I - Sheerness Heritage Centre site plan



Drawn by:

3251

Date:

08/10/2014

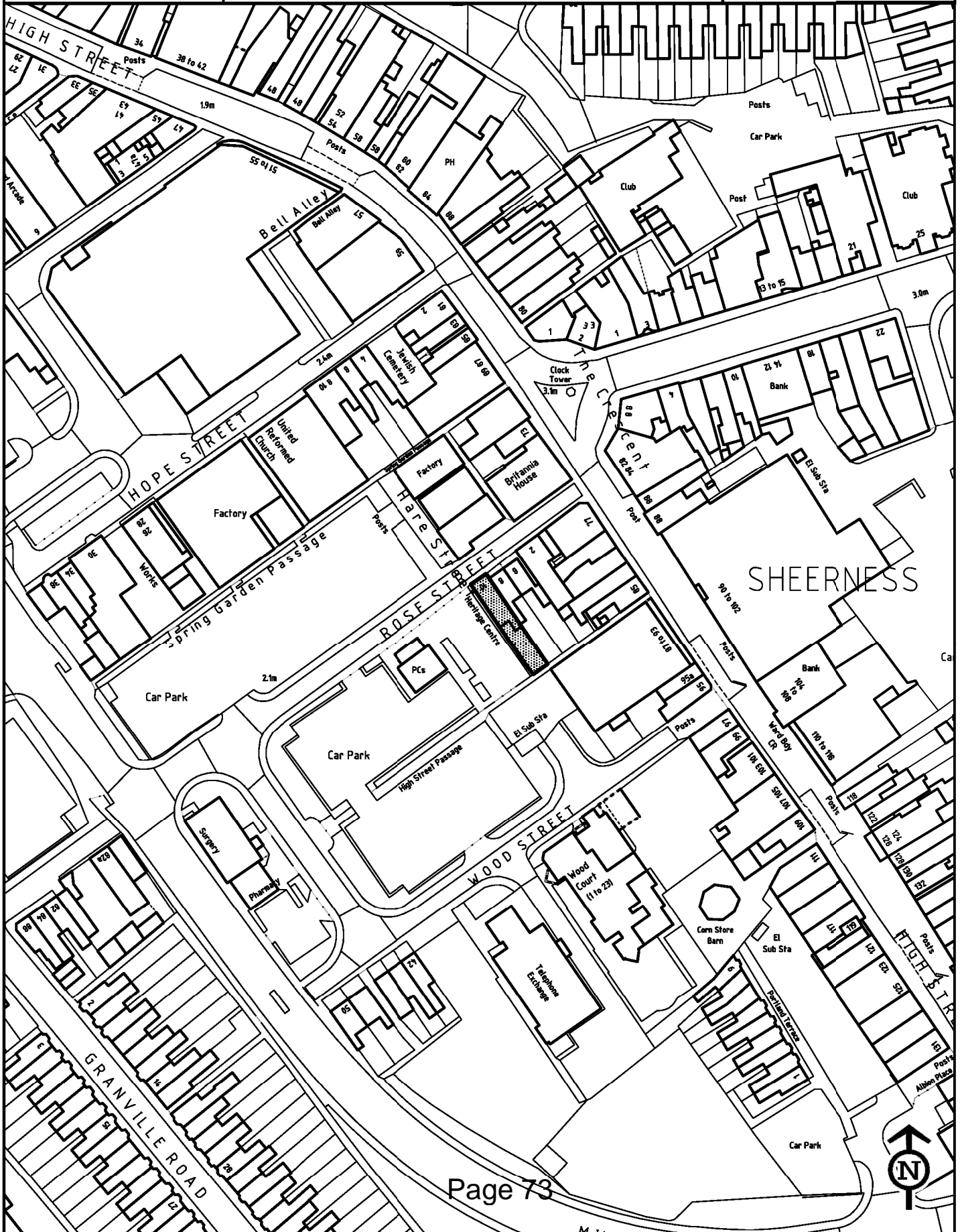
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1:1250

Address:

Heritage Centre
10 Rose Street
Sheerness
Kent, ME12 1AJ

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Ordnance Survey 100018386.



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Cabinet Meeting	
Meeting Date	Wednesday 5 November 2014
Report Title	Quinton Hall Asset Transfer
Cabinet Member	Cllr Mike Whiting, Cabinet Member for Localism
SMT Lead	Pete Raine, Director of Regeneration
Head of Service	Emma Wiggins, Head of Economy and Community Services
Lead Officer	Sophia Ramm, Community Services Officer
Key Decision	No
Classification	Open
Forward Plan	Yes
Recommendations	<ol style="list-style-type: none"> 1. To transfer Quinton Hall to the Ichtus Trust on a 125 year lease. 2. To delegate authority to the Head of Economy and Community Services and the Head of Property Services to negotiate the final terms of the lease based up the Head of Terms in Appendix II to the report, in consultation with the Cabinet Member for Localism and the Cabinet Member for Finance. 3. The Council supports the Trust financially, by providing a tapered grant of £2,800 in 2014/15, £2,000 in 2015/16 and £800 in 2016/17

1 Purpose of Report and Executive Summary

- 1.1 This report provides SMT with an update on progress of Quinton Hall and options for a community asset transfer of Quinton Hall to the Ichtus Trust.

2 Background

- 2.1 Quinton Hall has been operated by AmicusHorizon since the housing stock transfer in 1990; please see Appendix I for the site plan. The hall at that time was utilised as a tenant's club house and has since served the residents of Quinton, providing community facilities including nursery provision. The hall is a wooden structure and is around 30 to 40 years old. Due to an error within the transfer papers in 1990 Swale Borough Council is the legal owner, although the intention was to transfer it to Swale Housing Association at the time. The error was discovered when AmicusHorizon took the decision to close the hall due to it not being fit for purpose.

- 2.2 Following a structural assessment the decision was taken in September 2012 to fund the remedial repairs of Quinton Hall. A further survey was undertaken in January 2014, which has concluded that the hall should be replaced as soon as possible ideally within one year. Reports will be completed annually to ensure that the building remains structurally sound.
- 2.3 Since the remedial work has been completed the hall has continued to be used by the Quinton Community Playgroup, providing early year's provision for 21 children for 5 morning sessions a week. The community usage of the hall has increased by the Salvation Army and AmicusHorizon providing youth clubs for 5-8 and 8-11 years.
- 2.4 Ichtus, the Trust behind Quinton Community Playgroup, now feel that they are in position to move forward with the full asset transfer. In the short term the Trust intend to proceed with the asset transfer of the current building. In the long term the Trust will fundraise in order to provide the community with a brand new purpose built Family Services Centre. Securing the tenure of the ground lease, this will enable them to do this.
- 2.5 Swale Borough Council currently runs the hall at a loss and no budget is assigned to the hall. The overspend is projected to be £3,000 per year. AmicusHorizon had previously agreed to support the hall for 3 years, until the Trust was in a position to take on the hall. The playgroup also currently provides £1,398 per year to use the facilities.

The table below shows the breakdown of expenditure for 2013/14.

	Actual
Income (fees and charges)	46.80
Recovery of costs (AmicusHorizon & Playgroup)	2,796.00
Total Income	2,842.80
Building/Ground Maintenance	953.93
Service Contracts	994.52
Utilities	679.55
Rates	1,524.60
Insurance	167.28
Trade Waste	369.01
Total Direct Expenditure	5,221.57
Balance	2378.77

- 2.6 Appendix III highlights the financial projections for the playgroup. There is a shortfall in income of £2,800. This shortfall will prevent them from continuing to run their services at the same level

3 Proposals

- 3.1 To transfer Quinton Hall to the Ichtus Trust on a 125 year lease.
- 3.2 To delegate authority to the Head of Economy and Community Services and the Head of Property Services to negotiate the final terms of the lease based up the Head of Terms in Appendix II to the report, in consultation with the Cabinet Member for Localism and the Cabinet Member for Finance.
- 3.3 The Council supports the Trust financially, by providing a tapered grant of £2,800 in 2014/15, £2,000 in 2015/16 and £800 in 2016/17.
- 3.4 It is not considered that the building has an alternative use and the existing building is at the end of its useful life. In the circumstances an internal valuation has been carried out and it is considered that the land will have a nominal value and therefore there will be no significant” under-value” associated with the disposal.

4 Alternative Options

- 4.1 The partnership agreement is extended by 12 months; this is not recommended as the Trust is currently in a position to take on the running of the hall.
- 4.2 The management of the hall is returned to SBC, this is not recommended as the officer resource used to manage and run the hall has been re-deployed and does not align with the proposals set out in the Asset Transfer Policy.
- 4.3 The hall is closed and the land is sold, this is not recommended as it is a well utilised community facility, which provides important local services.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has taken place with the Asset Transfer Group, including representatives from Legal Services, Property Services and Finance.
- 5.2 Consultation was undertaken with local residents during the AmicusHorizon summer fete, August 2013.

6 Implications

Issue	Implications
Corporate Plan	The asset transfer of Quinton Hall assists with delivering the

	Localism priority within the Corporate Plan.
Financial, Resource and Property	<p>There is a requirement for grant funding over 2 years, there is however no base budget. Quinton Hall outgoings are currently covered by corporate underspend, and are projected to be around £3,000 per year. It is suggested that moving forward this is covered by the Localism Fund.</p> <p>Property will be transferred as stated in the asset transfer policy as per the Heads of Terms.</p>
Legal and Statutory	A lease and grant agreement will need to be prepared for the transfer and this will cover all statutory and legal obligations.
Crime and Disorder	Good management of the building will reduce likelihood of damage to the property.
Sustainability	<p>The Trust are aiming to run the building as sustainably as possible to ensure that the costs of the Trust are minimal.</p> <p>The replacement building will be more energy efficient, therefore ensuring that the costs to the Trust are further reduced.</p>
Health and Wellbeing	The Asset will be run by the Trust as a Children and Families Centre. This will have a positive impact on the local community as it is a very deprived area with health inequalities.
Risk Management and Health and Safety	<p>The main risks to this project are that the Trust fails and the grant agreement will provide an on-going dialogue with the Trust to monitor their progress and allow for mitigations to be put in place.</p> <p>Health and Safety risks will be the responsibility of the Trust going forward, during the partnership agreement support has been provided to the trust from the Health and Safety Officer.</p>
Equality and Diversity	The Asset Transfer Policy has been subjected to a Community Impact Assessment, no issues were identified. The Trust has an equalities policy in place and improvements have been made to the hall to ensure that it is compliant with the Disability and Discrimination Act.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Quinton Hall Site Plan
- Appendix II: Heads of Terms
- Appendix III: Business Plan Financial Projections

8 Background Papers

Site Plan - Quinton Hall



Drawn by:

3251

Date:

09/10/2014

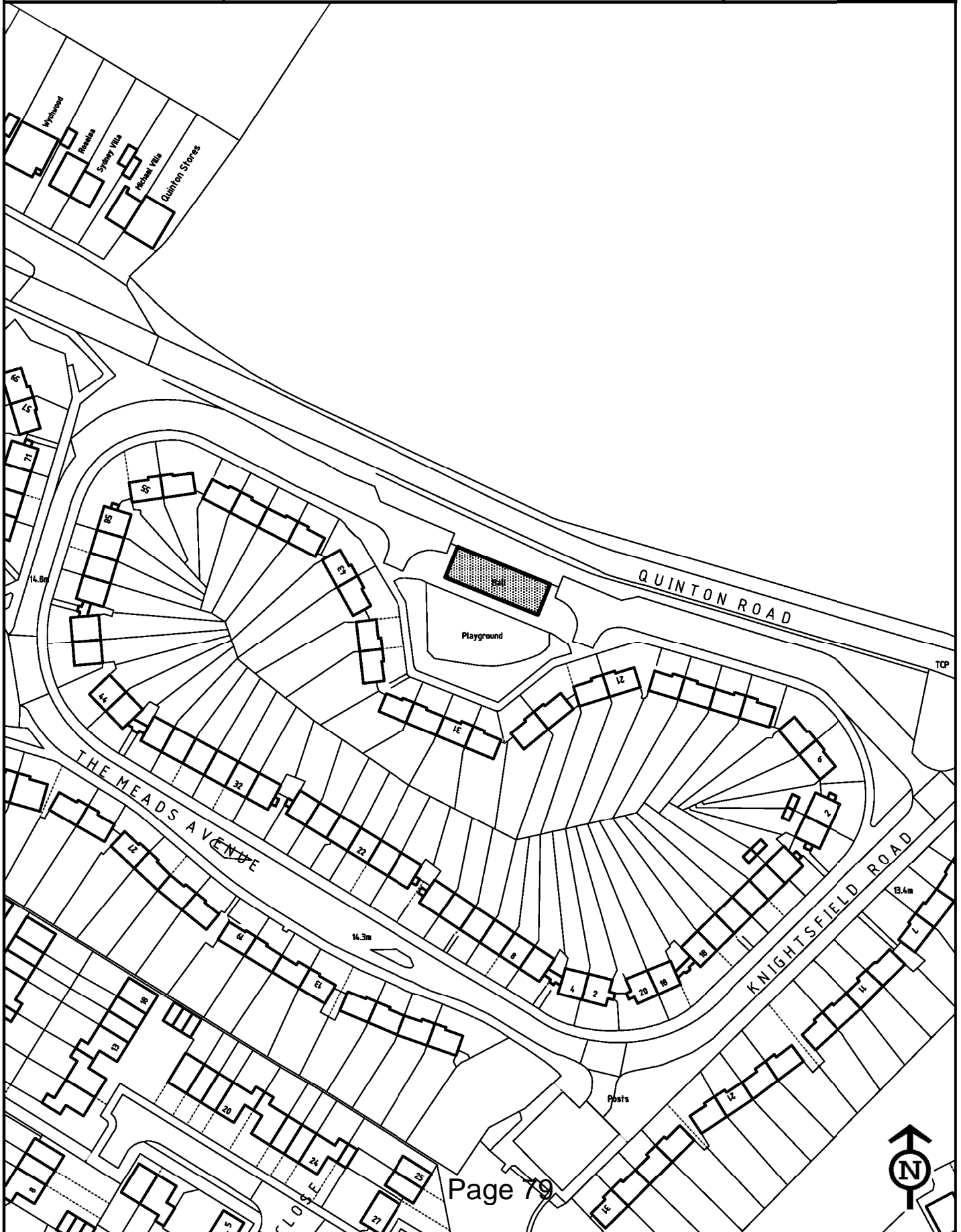
Scale:

1:1250

Address:

Quinton Road
Sittingbourne
Kent
ME10 2DD

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Lease of Quinton Hall, Quinton Road, Sittingbourne. ME10 2DD

HEADS OF TERMS

1.0 Initial information	
1.0 Property Address	Quinton Hall, Quinton Road, Sittingbourne, Kent. ME10 2DD
1.1 Title No.	
1.2 Landlord	Swale Borough Council, Swale House, East Street, Sittingbourne, Kent. ME10 3HT
1.3 Tenant	
1.4 Rent	£1.00 per annum exclusive of VAT payable annually in advance (if demanded).
1.5 Type of lease	Head lease
2.0 Lease length and breaks	
2.1 Lease start date and length	A 125 year lease from [<i>date to be agreed</i>]
2.2 Break clauses or renewal dates	There shall be a break clause or right to surrender the lease if the Trust is dissolved or ceases to exist.
2.3 1954 Act protection	The lease is to be excluded from the security of tenure provisions of the Landlord and Tenant Act 1954
3.0 Rent Reviews	Rent reviews will be undertaken at the end of the third year and at five yearly intervals thereafter and to be agreed by both parties. The rent is to be a ground rent only.
4.0 Assignment and subletting	There shall be no assignment, sub letting or parting of possession of the whole or part of the demised premises except to a new trustee or trustees for the permitted use without the consent of the Council. The hiring out to clubs or other service groups for periods of less than 24 hours will be permitted.
5.0 Services and service charges	All services and service charges are the responsibility of the Lessee.
6.0 Repairing obligations	(i) The Lease is to be on full repairing terms, notwithstanding (ii) and (iii) below.. (ii) The Lessee will not be responsible for the repair and maintenance of the existing timber framed building

	<p>erected on the site beyond the end of its useful life and shall only be required to keep the building in a safe condition until it is replaced by the Lessee with an alternative structure or mobile building.</p> <p>(iii) The Lessee will be required to obtain a structural report on the existing building on an annual basis to confirm that it is structurally stable and in a safe condition to continue in use until it is replaced by the Lessee with an alternative structure or mobile building.</p>
7.0 Alterations	The Lessee shall not carry out any structural or external alterations or new building works without the prior written consent of the Landlord. Non structural internal alterations will not require prior consent. Approval of such requests will not be unreasonably withheld by the landlord.
8.0 Permitted use	The site shall be used only for the provision of a [<i>community centre providing a range of spaces for public meetings, community activity, to meet the needs of the local community</i>]. No other use is permitted without the express consent of the Council. The use for private hire to individuals for parties or similar activities is not permitted.
9.0 Insurance	The Lessee shall insure the demised premises and any buildings erected thereon and indemnify the Council against any claims for damages, losses or injuries and any other claims whatsoever arising out of the use of the demised premises by the tenant.
10.0 Other issues	
11.1 Nuisance	The Lessee shall covenant not to cause or permit to be caused anything which may become a nuisance to the Council or adjoining property owners
10.2 Rates and Utilities	The Lessee shall be responsible for the payment of all future rates taxes

Appendix II

	assessments and all outgoings payable by law in respect of the demised premises by either the owner or occupier thereof.
10.3 General	<p>An Energy Performance Certificate is to be provided by the Council. This will not be required for a temporary building with a planned time of use of two years or less.</p> <p>The Council shall provide a copy of the asbestos management survey relating to the premises.</p>
10.4 Statutory Obligations	The Lessee shall conform at his own expense to all statutory and other regulations pertaining to the demised premises including all health and safety legislation and obtaining any necessary planning consent required and to indemnify the Council against any claims arising from any breach of such regulations.
10.5 No contract	These Heads of Terms are subject to contract.
10.6 Conditions	The proposed Heads of Terms are subject to Member approval.
10.7 Legal costs	Each party to pay own costs
10.8 Landlords solicitors	Legal Services, Swale Borough Council, East Street, Sittingbourne, Kent. ME10 3HT
10.9 Tenants solicitors	To be advised

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Quinton Hall – Financial Projections

Expenditure	
Caretaking	£100
Non planned maintenance	£1,000
Service contracts	£1,000
Building insurance	£200
Electricity	£300
Gas	£800
Water	£400
Trade waste	£400
Sundries (e.g. Insurance, outings, food)	£5,000
Staff costs	£30,000
Total	£39,200
Income	
Nursery funding (based on 11 confirmed children)	-£28,050
Nursery funding (estimated amount based on 5 unconfirmed children)	-£5,100
Fees and charges (estimate)	-£1,000
SBC grant funding	-£2,800
Reserves*	-£2,250
Total	-£39,200
Balance	£0

*Trust has a remaining £5,750 in reserves.

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Cabinet Meeting	
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Meeting Date	5 th November 2014
Report Title	Bus Procurement pursuant to a planning obligation – Morrison’s Supermarket, Queenborough
Cabinet Member	Cllr. Gerry Lewin - Deputy Leader and Cabinet Member for Planning
SMT Lead	Pete Raine, Director of Regeneration
Head of Service	James Freeman, Head of Planning
Lead Officer	Carole Williams s106 Monitoring Officer
Key Decision	No
Classification	Open
Forward Plan	

Recommendations	1. That Members give authority to award a contract (in response to a tender) to Arriva for the provision of additional bus services which would improve the sustainability of the Morrison’s supermarket development pursuant to the requirements of a s106 planning obligation.
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1 Purpose of Report and Executive Summary

1.1 Following a successful tender exercise by Kent County Council using its Third Party Framework Agreement, this report seeks Members’ authority to award the a contract for enhanced bus services to Morrisons, Neats Court, Queenborough to Arriva. This is pursuant to an obligation under the s106 agreement.

2 Background

2.1 Swale Borough Council entered into a s106 Planning Agreement with a developer on 30th January 2012 requiring contributions of £415,000 to be spent over a five year period to fund the start up and operational costs of the rerouting of three bus services to serve the development which was particularly the new Morrisons store. The contribution was paid on condition that it was spent within 6 years from commencement of development, if this deadline was not achieved the money would have to be returned to the developer with accrued interest.

2.2 Due to a restructure of its transport procurement service, Kent County Council were unwilling to contract with the bus company directly (as they had in such circumstances in the past) but instead offered to procure the service using their existing framework on condition that the contract itself was entered into directly by Swale Borough Council.

3 Proposal

- 3.1 KCC has now tendered the proposal using its EU procurement law compliant framework and has received two satisfactory tenders.
- 3.2 KCC has assessed the tenders on behalf of Swale Borough Council and advises that: *“the Arriva proposal offers a more suitable solution. The submission provides better peak provision which has been constructed through liaison with the store itself and meets the S106 requirements in all respects for the duration of proposed contract.”*
- 3.3 Therefore it is proposed that the tender of Arriva is accepted so that the enhanced service can begin as quickly as possible after the formal award of contract.

4 Alternative Options

- 4.1 Two alternative options present themselves in this instance. They are as follows:
- (a) Award the contract to the alternative supplier
 - (b) Decide not to award the contract and return the s106 monies to the developer
- 4.2 Taking each of these in turn; Option (a) is a possibility as the bid is broadly compliant and offers good service enhancement during peak periods . However, the advice from KCC as local transport authority is that the Arriva bid is the more suitable solution overall because amongst other considerations it offers better service enhancement at peak periods to meet the needs of workers and shoppers and there is more certainty that the service will be provided for the full five year period. Option (b) is also an option but returning the money to the developer may be seen as a wasted opportunity to improve bus provision on the Isle of Sheppey.
- 4.3 All the options are cost neutral as the Council is not spending from its budget; funding is entirely from developer contributions. The option with the most public benefit is to accept the Arriva proposal.

5 Consultation Undertaken or Proposed

- 5.1 The planning application was subject to the standard consultation under the Town and Country Planning (Development Management Procedure) Order (2010).
- 5.2 The planning application was reported to the Planning Committee and grant of planning permission was approved subject to a requirement for enhanced bus provision secured under the s106 Planning Obligation.
- 5.3 The Contract was tendered by Kent County Council under its Framework: Third Party Bus Contract 2014. This constitutes a Purchasing Scheme for the purposes of SBC Contract Standing Orders which provide that in such circumstances it is acceptable for the evaluation criteria and processes to be run by another organisation.

6 Implications

Issue	Implications
Corporate Plan	The new bus service will contribute to the Corporate Plan priorities of Open for Business – supporting new business in Swale and Healthy Environment – sustainable transport.
Financial, Resource and Property	The cost associated with the proposal is £415,000 which is entirely developer funded.
Legal and Statutory	This community infrastructure is provided in response to an identified need and secured by a planning obligation under s106 Town and Country Planning Act 1990 (as amended). Contract Standing Orders require that a contract of this value is reported to Cabinet prior to award,
Crime and Disorder	None identified at this stage
Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	Public transport benefits all types of people in the community but in general the frail elderly, the youth and those without access to a car benefit most from a regular bus service.
Sustainability	The sustainability of the development is improved by the provision of public transport directly to the store.

7 Appendices

7.1 None.

8 Background Papers

8.1 None.

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Cabinet	
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Meeting Date	5 November 2014
Report Title	Local Engagement Forums September 2014
Portfolio Holder	Cllr Mike Whiting, Cabinet Member for Localism
SMT Lead	Pete Raine
Head of Service	Emma Wiggins
Lead Officer	Brooke Buttfield
Key Decision	No
Classification	Open
Forward Plan	Yes

Recommendations	<ol style="list-style-type: none"> 1. To note and consider the discussion and outcomes of the three Local Engagement Forums held during September 2014. 2. To suggest topics as agenda items for future Local Engagement Forums.
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Purpose of Report and Executive Summary

- 1.1 The report draws together notes of the discussion, outcomes and recommendations for Cabinet to consider following the recent Swale Local Engagement Forums (LEFs) of Faversham (9 September 2014), Sittingbourne (16 September 2014), and Sheppey (23 September 2014).
- 1.2 The purpose of this report is to formalise the reporting relationship and encourage greater connectivity between the LEFs and Swale Borough Council's (SBC) Cabinet.
- 1.3 The report demonstrates to residents the potential of their forums to advise and influence local public services.
- 1.4 The next Swale Local Engagement Forums are being held during December 2014; Sheppey (9 December 2014), Sittingbourne (16 December 2014), and Faversham (2 December 2014). Cabinet is also asked to consider and suggest agenda items for future LEFs.

2 Background

- 2.1 The LEFs are one of the key consultation methods for the Council, providing a route for residents as a group to advise on the shape and future of public services in the borough. This report summarises the You Said We Did reports that are compiled after each LEF, including discussion and outcomes from the LEF for

noting and discussion by the SBC Cabinet. It is hoped that this report will foster a two way dialogue. This report summaries the You Said We Did reports which are available online: <http://www.swale.gov.uk/LEF/>.

3 Proposal

- 3.1 To note the outcomes from each meeting (shown in Table 1) and feedback to the LEF chairmen as appropriate.
- 3.2 To suggest topics as agenda items for future Local Engagement Forums.

Table 1

Faversham LEF 9 September 2014 – Chairman Cllr Bryan Mulhern
<p>Issues:</p> <ul style="list-style-type: none"> • Kent Police led a discussion about the possible impact resulting from the significant change in structure locally, as well as the continuing need to target areas in Faversham most affected by crime, specifically shed burglaries. • Mark Radford, Director of Corporate Services, gave a presentation and answered questions from residents and members on Swale Borough Council's Local Plan. • Awareness was raised to SBC of the issue around the large volume of litter in the area. • Residents raised the issue of KCC's 'Lights Out' Project leaving certain streets in complete darkness. • Residents lead a discussion on concerns with speed of traffic in Faversham, particularly in the North Preston area.
<p>Outcomes:</p> <ul style="list-style-type: none"> • Following the discussion led by Kent Police, KCC reported that there is a project plan being developed to look at resource allocations to target the issue of traffic congestion outside schools, specifically Luddenham School. • The community and Members' were made aware of the structure and procedure in relation to Swale Borough Council's Local Plan. • Members and officers were made aware of the issue with litter in the local area and residents were informed of campaigns to resolve this problem such as 'Bitter about Litter.' • The community was made aware that if there are particular street lights causing a problem in the area, they can be reported and the Cabinet member will make a decision on the appropriate action to take. • The issue raised by residents regarding speed of traffic will be reported at the next Joint Transportation Board Meeting. • Russell Fairman, Community (Sport and Physical Activity) Officer, raised awareness around the recently launched Sports and Physical Activity Grants to the community and members.
Sittingbourne LEF 16 September 2014 – Chairman Cllr Mike Whiting
<p>Issues:</p> <ul style="list-style-type: none"> • Kent Police updated the forum on the main issues the Police have faced throughout the Summer period including burglary, school parking and KCC's 'Lights Out' project. • Mark Radford, Director of Corporate Services, gave a presentation and answered questions from residents and members on Swale Borough Council's Local Plan.

- Lyn Newton, Economy and Community Services Manager, provided an update on the relocation of Sittingbourne Market due to various queries and concerns raised from members and residents.

Outcomes:

- Residents and members were made aware that arrests have been made in relation to the spike of burglaries; the 'lights out' project is being monitored and statistics are being reported to KCC; a multi agency plan is being produced which will be in affect soon to resolve the high volume of traffic congestion outside schools.
- The community and Members' were made aware of the structure and procedure in relation to Swale Borough Council's Local Plan.
- Following Lyn Newton's update, residents and member were reassured and made aware of all actions being taken and the future of the market and town centre.
- Russell Fairman, Community (Sport and Physical Activity) Officer, raised awareness around the recently launched Sports and Physical Activity Grants to the community and members.

Sheppey LEF 23 September 2014 – Chairman Cllr Patricia Sandle

Issues:

- Kent Fire and Rescue discussed the recent barn fires which have occurred on the Isle of Sheppey, residents and members raised issues.
- Abdool Kara, Chief Executive, gave a presentation and answered questions from residents and members on Swale Borough Council's Local Plan.
- The forum raised concern in relation to the safety measures which will be taken on the Sheppey Crossing.
- Cllr Ken Pugh, Cabinet Member for Health, attended the meeting to provide an update on the changes to Sheppey Hospital.
- The forum led a discussed on issues with Halfway Car Park and the impact changes to the car park could have on local businesses within the area.

Outcomes:

- The questions and issues raised by residents and members were answered and the community was reassured of procedures taking place to prevent this offences occurring.
- The community and Members' were made aware of the structure and procedure in relation to Swale Borough Council's Local Plan.
- Bill Ronan, KCC Community Officer, reported the outcome from the Joint Transportation Board meeting and updated the community on proposed actions to be taken in the future.
- Russell Fairman, Community (Sport and Physical Activity) Officer, raised awareness around the recently launched Sports and Physical Activity Grants to the community and members.
- Following Cllr Ken Pugh's update, the community was made aware of the tender process which will take place in relation to DMC's contract ending in 2016.
- Residents were advised to forward their comments to the Chief Executive, Abdool Kara for further action.

4 Alternative Options

- 4.1 Not applicable as this is an update report for noting and consideration.

5 Consultation Undertaken or Proposed

- 5.1 The public were given the opportunity at each LEF to question and challenge public sector representatives about the issues discussed at the meeting.

6 Implications

Issue	Implications
Corporate Plan	The LEFs contribute towards the SBC corporate priority of Embracing Localism as they are one of the key projects for empowering local residents. In particular they contribute to the aims of enabling members to champion communities and improving local consultation and engagement.
Financial, Resource and Property	<i>None identified at this stage.</i>
Legal and Statutory	<i>None identified at this stage.</i>
Crime and Disorder	Residents can engage directly with senior police officers at the meetings.
Sustainability	<i>None identified at this stage.</i>
Health and Wellbeing	<i>None identified at this stage.</i>
Risk Management and Health and Safety	<i>None identified at this stage.</i>
Equality and Diversity	One of the aims of the You Said We Did is to report the issues raised and questions asked at the meeting as accurately as possible, so as not to discriminate against anyone who raises an issue at the meeting. The reports remain live and residents can challenge it they are incorrect. If the amendment is approved, they are then updated on the online version of the report.

7 Appendices

- 7.1 There are no additional documents to be published with this report.

8 Background Papers

- 8.1 None.